

# SUSTAINABLE LAND USE CODE PROJECT

## Capitol Region Council of Governments



## MODEL REGULATIONS: MIXED-USE TRANSIT-ORIENTED DEVELOPMENT DISTRICTS

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**C L A R I O N**

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# MIXED-USE TRANSIT-ORIENTED DEVELOPMENT DISTRICTS

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## Introduction

Transit-oriented development, or TOD, is an approach to physical development of a community that leverages the unique opportunities provided by access to high-quality public transportation.<sup>1</sup> TOD is generally defined as development close to transit stations or transit stops that is compact, mixed-use, pedestrian-friendly, and well integrated with transit. TOD zoning districts and associated standards provide a way to promote and guide development around existing or future transit stations so that people from all walks of life can conveniently get to places at which they live, work, shop, and play by transit, walking, and bicycling rather than solely by automobile. The full benefits of a TOD district typically occur over time, as the district develops and evolves to market conditions. Such benefits include:



Example of transit-orient development

- Reducing combined housing and transportation costs for households by providing diverse housing options and alternatives to automobile travel;
- Creating cohesive, yet diverse, neighborhoods with increased economic and cultural opportunities, contributing to greater livability and a healthier local economy;
- Encouraging healthier lifestyles by creating a pattern of development in which biking and walking are part of everyday travel behaviors;
- Reducing vehicle miles traveled, dependence on fossil fuels, and associated greenhouse gas emissions;
- Reducing the costs of delivering public services by encouraging infill and redevelopment in areas with existing infrastructure;
- Providing a more compact development pattern that helps preserve open space and natural resources elsewhere in the community or region;
- Encouraging a more sustainable transportation system over the long term by creating viable options for people to get to destinations by other than the automobile;
- Reducing reliance on building new roadways or widening existing roadways to meet transportation needs as a community and region continues to grow; and



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<sup>1</sup> Center for Transit-Oriented Development. 2010. *Transit-Oriented Development Tools for Metropolitan Planning Organizations*. Oakland, CA. CTOD.



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- Taking advantage of and facilitating public investments in transit infrastructure, enabling more efficient servicing of community and regional transportation needs.<sup>2</sup>

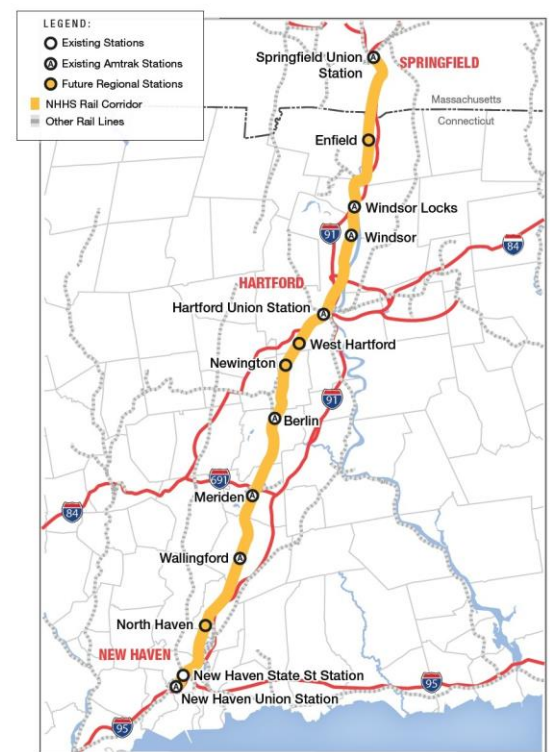
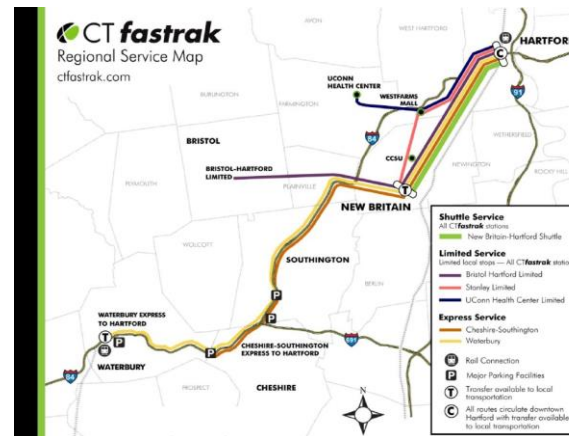
### Transit Opportunities in the Capitol Region

The recently published *Making It Happen: Opportunities and Strategies for Transit-Oriented Development in the Knowledge Corridor*<sup>3</sup> studied economic opportunities likely to be spurred by the bus rapid transit and rail investments underway in the Knowledge Corridor, which includes the Capitol Region. Those investments include:

- CTfastrak, a new bus rapid transit (BRT) system between Hartford and New Britain, is under construction and will have 11 stations along a dedicated corridor.
- The New Haven-Hartford-Springfield (NHHS) rail program is being expanded to provide new passenger rail service connecting major destinations from Springfield to Hartford and New Haven, with shuttle serve to Bradley International Airport from a station in Windsor Locks and connecting serve to New York City and the Northeast rail corridor from Washington to Boston.

Among the report's key findings are:

- Regional demographics (e.g., the growth in aging baby boomers and young urban professionals) will create growing demand for the compact, walkable neighborhoods needed to support the transit systems.
- The large proportion of the region's economic and employment base consists of knowledge-based, health, educational, public administration, and social assistance services, which are transit-supportive sectors and are growing.
- Despite the recent economic downturn, there are promising signs that real estate conditions in the region are improving and, with some public and private help and coordination, should make transit-oriented development financially feasible in station areas throughout the region.



<sup>2</sup> Florida Department of Transportation and Department of Community Affairs. 2011. *A Framework for Transit Oriented Development in Florida*. Tallahassee, FL. FDOT & FDCA. See <http://planfortransit.com/resources-2/florida-transit-oriented-development/>.

<sup>3</sup> Jonathan Rose Companies and Center for Transit-Oriented Development, 2013. *Making It Happen: Opportunities and Strategies for Transit-Oriented Development in the Knowledge Corridor*. See <http://www.crcog.org/SustainableKnowledgeCorridor.htm>.

The report concludes that to maximize the current substantial investment in transit systems and provide opportunities for their future expansion, regional growth will need to be redirected into transit-oriented development in station areas along the new and expanded transit corridors. Transit-oriented development should also be promoted in areas in the region, both to realize potential for future transit service to those areas and to achieve the many fiscal, economic, and social benefits of the compact, walkable activity centers and neighborhoods that are characteristic of transit-oriented development.

But are Capitol Region municipalities ready to take advantage of the opportunities and face the challenges of promoting transit-oriented development?

The Regional Plan Association recently conducted a study of land use policies and development regulations applied around 42 active rail stations along Connecticut's Metro-North commuter rail service.<sup>4</sup> Although this study applies to an area of Connecticut outside the Capitol Region, its findings about the TOD-appropriateness of development regulations applied around transit stations may be instructive to Capitol Region municipalities. The study found that a community vision for compact, walkable development exists around only half the stations, and that transit-supportive development regulations are applied at fewer than a quarter of the stations. Furthermore, only about half of the station areas allow development intensities or a mix of residential and commercial uses deemed appropriate to TOD. And only one in five station areas have parking standards that recognize the ability to TOD to reduce parking demand.

A recent market and financial feasibility study for a proposed downtown transit center in Meriden noted that parking construction costs represented 13 percent of total project costs and current parking requirements posed a major hindrance to TOD development.<sup>5</sup>

In 2012, Clarion Associates conducted sustainability assessments of the development regulations of 12 municipalities in the Capitol Region. At that time, while several municipalities had mixed-use zone districts, none had districts specifically tailored for TOD, and only Windsor had regulations expressly supporting TOD. This district allows increased building height for TOD near the Amtrak station in Windsor Center and reducing parking requirements by 10 percent for developments within ¼ mile of a transit stop. Hartford has since been awarded a state grant to create a TOD overlay district around Union Station.

### **Principles of Transit-Oriented Development**

These model standards for TOD districts are intended to reflect the following principles of transit-oriented development:

- Within walking distance of the transit station, concentrate a mix of complementary land uses that:
  - Are well-integrated;
  - Create active and secure pedestrian-friendly environments;
  - Promote balanced level of transit ridership throughout the day; and
  - Reduce reliance on the automobile.



Active, safe, and attractive pedestrian environment

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<sup>4</sup> Regional Plan Association. 2013. *Halfway There: How to Create Land Use Policy that Makes the Most of Connecticut's Transit Network*. Stamford, CT. RPA.

<sup>5</sup> 4Ward Planning, Inc. 2013. "Meriden TOD Market Study and Financial Feasibility Analysis: Summary of Findings."

- Accommodate and encourage higher development intensities that:
  - Contribute to higher rates of transit ridership;
  - Support retail shops and services; and
  - Reflect acceptable development investment risks.
- Provide for traffic circulation patterns relationships that:
  - Form a safe, convenient, and accessible network for all modes of transportation;
  - Interconnect streets, walkways, and bikeways throughout the district and its surrounding development;
  - Maximize connectivity between adjacent developments; and
  - Provide direct connections to the transit station.
- Apply parking management strategies that:
  - Reflect the reduced vehicle parking demand inherent in transit-oriented and mixed-use developments;
  - Provide for increased bicycle parking;
- Create an enhanced environment around the transit station that:
  - Is attractive, safe, and orderly;
  - Organizes public and private spaces to invite pedestrian activity and social interaction in comfort and security; and
  - Encourages building facades that reinforce the human scale of a pedestrian environment and enhance pedestrian routes.



Enhanced environment of public and private places

### Types of TOD Districts

TOD districts can be categorized in a variety of ways. Like other activity centers, they can be distinguished by the relative scale and character of the area that supports their retail, service, and employment uses—e.g., neighborhood/community/regional/super-regional centers. TOD districts can also be characterized by the type of transit that serves them—e.g., heavy rail transit, light rail transit, bus rapid transit. Transit type often determines the type, spacing, and intensity of station areas, as well as their service area. And TOD districts can be distinguished by community context—e.g., urban/transitional/suburban. Most communities with multiple types of TOD districts use a composite approach to categorizing them.

For example, Florida's TOD guidelines categorize TOD place types and their target intensities and characteristics in terms of a matrix of activity centers types (regional, community, neighborhood) and transit types (heavy rail, commuter/light rail, bus rapid transit/bus).<sup>6</sup> TOD guidelines adopted by the Metropolitan Atlanta Rapid Transit Authority (MARTA) categorize TOD district in terms of six TOD station typologies: Urban Core, Town Center, Commuter Town Center, Neighborhood, Arterial Corridor, Special Regional Destination, and Collector.<sup>7</sup> Some New Urbanists identify the following TOD types: Urban

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<sup>6</sup> *Ibid.*, p. 29 et seq.

<sup>7</sup> Metropolitan Atlanta Rapid Transit Authority. 2010. *Transit –Oriented Development Guidelines*. Atlanta, GA.MARTA. See <http://www.itsmarta.com/TOD-real-estate.aspx>.



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Downtown, Urban Neighborhood, Suburban Town Center, Suburban Neighborhood, Neighborhood Transit Zone, and Commuter Town Center.<sup>8</sup> The Center for Transit-Oriented Development categorizes TODs and their target intensities and characteristics in terms of eight TOD place types: Regional Center, Urban Center, Suburban Center, Transit Town Center, Urban Neighborhood, Transit Neighborhood, Special-Use/Employment District, and Mixed-Use Corridor. CRCOG's recent *Making It Happen* report uses a market approach to identify four TOD station area typologies: Infill (largely built-out areas where new development is most likely to be infill development); Outreach (suburban and auto-oriented areas where opportunities for TOD development is limited); Catalyze (where the urban environment is conducive to TOD development, though market conditions may not be strong); and Reposition (areas of economic decline with historic buildings in an urban context, where significant efforts are needed).

The characteristics that most commonly distinguish TOD types within these categorization schemes based on physical form is the range of development intensity (usually expressed in terms of residential density or floor area ratio) and the mix of land uses allowed. Although TOD districts focused on the type of transit can be found in the TOD categorization schemes noted above and in several model and actual TOD district regulations, there were few if any standards other than use and intensity standards that differentiated such districts. Thus the model code provisions for transit-oriented development districts that follow could be simplified to distinguish different types of TOD districts solely in terms of the mix of uses allowed and the applicable intensity and dimensional standards.

Clarion Associates project staff toured the BRT stations currently under construction between Hartford and New Britain and observed that except for a few stations in the highly urbanized areas such as downtown Hartford and West Hartford, the large majority of stations are currently surrounded by development of low or moderate intensity and often in a suburban context (See photos of BRT stations under construction and adjacent areas.). This includes the Newington joint BRT/Rail station; a similar suburban context can be found in the areas around the three NHHS rail stations proposed outside the Hartford/ West Hartford urbanized area: Windsor, Windsor Locks, and Enfield. Thus the base model standards presented in this document are designed for this predominant type of TOD district which is most likely to be appropriate in both suburban areas of the region's larger municipalities and the town centers of the region's smaller municipalities.



Parkville BRT Station Area



Kane Street BRT Station



Newington Junction BRT Station

<sup>8</sup> Dittmar, Hank. 2004. "Driving Growth Through Transit-Oriented Development." *Zoning Practice*. vol. 21, no. 8. Chicago, IL. American Planning Association.



To address stations in more urban and rural areas, following the base model TOD district standards we have included supplementary regulations. These regulations for urban and rural stations feature different mix of uses and significantly different intensity standards that are more suitable for these two other potential types of TOD district in the region. This document does not include model TOD district standards for an urban downtown because only Hartford is sufficiently urbanized to warrant this type of TOD district and that city already is developing appropriate district standards.

### **Transition to Transit-Supportive Development**

The model code provisions for transit-oriented development districts that follow are intended to accommodate and encourage the type of transit supportive development appropriate around transit stations that already exist or whose construction is imminent. For many municipalities in the region, transit service is something only the future will bring. However, that is no reason not to plan for and facilitate the transition of current development into transit-supportive development once transit becomes available. Where a transit station is planned for a particular site, but transit service is not yet available to the site, the higher-intensity development with reduced parking that will be suitable for the future may not be appropriate now. The model provisions, therefore, are followed by another set of supplementary regulations presenting variations that limit pre-transit development to reflect current conditions, but ensure current development occurs in a manner that facilitates its future transition to a fully TOD-supportive development.

## Model Code Provisions for Transit-Oriented Development Districts

### 1.1 PURPOSE

The purpose of the Transit-Oriented Development (TOD) District is to promote the establishment of identifiable, vibrant, and transit-supportive activity centers around existing and proposed transit stations—centers that will foster economic growth and development, reduce automobile dependency and the resultant roadway congestion and air pollution, and provide opportunities for alternative modes of travel. District standards are intended to provide the “critical mass” of development types and intensities within convenient walking distance of a transit station that is needed to support transit service and capitalize on public investment in the community’s and region’s existing and future transportation system. They are also intended to reduce costs by eliminating inappropriate and excessive regulations and avoid the need for time-intensive discretionary reviews. District standards are specifically intended to accommodate and promote compact, pedestrian-friendly, and mixed-use development that:

- Encourages a dynamic live/work/play environment that serves as an economic driver for the community;
- Includes a well-integrated mix of complementary high-activity uses—including transit-supportive commercial, residential, civic, and employment uses—within walking distance of each other and the transit station;
- Provides multiple, direct, and safe vehicular, bicycle, and pedestrian connections between the transit station and the surrounding uses;
- Incorporates buildings, open spaces, and other site elements that are arranged and designed to create an inviting, walkable, safe, socially-interactive, and human-scale environment that is compatible with other development in the district;
- Includes distinctive, attractive, and engaging public spaces that help create an identity and sense of place for the station area;
- Provides a range of housing options for people of different income levels and at different stages of life;
- Provides sufficient parking to accommodate transit users and district visitors and residents, but not excessive or extensive parking that could unduly detract from the district’s pedestrian-oriented character;
- Incorporates building reuse and infill where appropriate;
- Connects to, complements, and is compatible with surrounding neighborhoods; and
- Is consistent with community plans and policies.

The TOD District consists of two subdistricts. The TOD-Core Subdistrict is intended to accommodate compact, high-intensity, and mixed-use development close to the station that features retail, service, employment, and other high-activity uses. The surrounding TOD-Ring Subdistrict is intended to accommodate lower-intensity development that is dominated by residential or employment uses with supporting retail, service, and civic uses, and that provides appropriate connections and transitions to surrounding development.

## 1.2 TOD SUBDISTRICTS

Land zoned Transit-Oriented Development (TOD) District shall be further classified as either a TOD-Core Subdistrict or a TOD-Ring Subdistrict. Land within a five-minute walk (approximately ¼ mile) from the transit station should be classified as TOD-Core Subdistrict and land between the TOD-Core Subdistrict and a convenient ten-minute walk (approximately one-half mile) from the transit station should be classified as TOD-Ring Subdistrict.

*Commentary: The division of the TOD District into subdistricts is intended to recognize that although ½ mile is considered a convenient walking distance for many people, people are much more willing to forego their automobile and walk if their destination is within ¼ mile. The success of a TOD district, therefore, generally depends on concentrating most of the district's activities and destination points within ¼ mile of the transit station. Using subdistricts is an efficient way of both applying general TOD standards throughout the TOD District and applying intensity and development standards that go step further in promoting and accommodating pedestrian activity in the core area immediately around the transit station. An alternative would be to have two separate districts. For less intense TOD districts, where the difference between what would be appropriate in a core district and a ring district might be less significant, it may be appropriate to apply a single set of standards throughout a single TOD District.*

## 1.3 PEDESTRIAN STREET FRONTAGES

When land is zoned Transit-Oriented Development (TOD) District, certain street frontages within the district shall be designated as “pedestrian street frontages.” Pedestrian street frontages are those street frontages along which a high level of pedestrian activity and interaction with adjoining development is particularly necessary or desired to define and enhance the character of the TOD District. Along designated pedestrian street frontages, this section applies additional standards intended to accommodate and encourage pedestrian activity and pedestrian-friendly development to a higher extent than elsewhere in the district. Examples of street frontages that may be designated as a pedestrian street frontage include, but are not limited to, street frontages close to or extending from the transit station, street frontages that have or are intended to have a “Main Street” character, street frontages with a high level of retail sales and service-oriented office uses, and frontages opposite commons, outdoor gathering spaces, or other public open space.

*Commentary: Designating pedestrian street frontages is a way to apply special building placement, form, and design standards along those streetscapes where promoting and accommodating pedestrian activity is of greatest importance to the success of the TOD District. Most pedestrian street frontages are likely to be located within the TOD-Core Subdistrict, but not all streetscapes in that subdistrict need be pedestrian-oriented. The TOD-Ring Subdistrict is likely to contain some strongly pedestrian-oriented streetscapes (especially along streets forming a gateway into the TOD District's core).*

## 1.4 USE STANDARDS

*Commentary: Development codes use a variety of ways to identify which uses are allowed by right in particular zoning districts, which uses are allowed only with a special or conditional use permit, which uses are prohibited, and the standards or conditions under which certain uses are allowed. To encourage transit-oriented development, most uses allowed in the TOD District should be allowed by right rather than require the type of time-consuming planned unit development or rezoning review used in many codes in the region.*

*This section provides a use table to identify allowable uses, special uses, and prohibited uses, and to reference subsequent use-specific standards where appropriate. To avoid confusion about certain uses that commonly exist as principal uses and as accessory or temporary uses or structures, this section is organized to include separate use tables and use-specific standards for principal uses, accessory uses/structures, and temporary uses/structures.*

*The use tables can be used as shown, or incorporated into a consolidated use table for all districts, or converted into a text listing of allowable uses, special uses, and prohibited uses. Use-specific standards are provided only for those uses that are particularly important to achieving the purposes of the TOD district or call for specific standards to make them appropriate in a TOD district. These use-specific standards can be incorporated into a section containing standards specific to other allowed uses, or follow a district listing of the use as an allowed or special use.*

#### **1.4.1. PRINCIPAL USES**

##### **A. Table of Allowed Principal Uses**

*Commentary: This use table list uses by use classification (rows shaded light blue), use category, and use type to facilitate interpretations of what use type (if any) a particular proposed land use activity falls under, as well as the application of subsequent use-specific and development standards. Recognizing that development codes vary considerably in how they identify allowable and prohibited uses, the use types listed in the table are relatively general—just specific enough to indicate the range of uses within the various use categories and to address uses that are particularly important in a TOD district or call for specific standards to make them appropriate in a TOD district. For other purposes, a community using or incorporating such a use table may wish to include a different breakdown of use categories or additional use types, or to break up certain uses by size or capacity thresholds.*

<b>Table 1.4.1.A: Allowed Principal Uses</b>				
<b>P = Allowed by Right   S = Allowed only with Special Use Permit   X = Prohibited</b>				
<b>Use Category</b>	<b>Use Type</b>	<b>TOD-Core</b>	<b>TOD-Ring</b>	<b>Use-Specific Standards</b>
<b>Mixed-Use Development</b>				
Mixed-use development	Live-work unit	P	P	Sec. 1.4.1.D.1
	Other residential over nonresidential	P	P	
	Other mixed-use development	P	P	
<b>Residential Uses</b>				
Household Living Uses	Single-family dwelling	X	P	
	Two-family dwelling	X	P	
	Three- or four-family dwelling <sup>9</sup>	X	P	Sec. 1.4.1.D.2
	Multifamily development	S	P	
	Townhouse development	P	P	
Group Living Uses	Group living	P	P	
<b>Public and Institutional Uses</b>				
Community Service Uses	Adult day care facility	P	P	
	Child day care facility	P	P	
	Community center	P	P	
	Library	P	P	

<sup>9</sup> Such dwellings (also called triplexes and quadplexes) are commonly treated as multifamily dwellings. However, a community should consider treating these housing types separately—whether to allow them as appropriate infill development in a lower-intensity TOD-Ring Subdistrict (to promote greater variety in housing types and costs), or to prohibit them in a higher-intensity TOD-Core Subdistrict (to better ensure pedestrian activity along street frontages).



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<b>Table 1.4.1.A: Allowed Principal Uses</b>				
<b>P = Allowed by Right   S = Allowed only with Special Use Permit   X = Prohibited</b>				
<b>Use Category</b>	<b>Use Type</b>	<b>TOD-Core</b>	<b>TOD-Ring</b>	<b>Use-Specific Standards</b>
	Museum	P	P	
Educational Uses	Business/trade/vocational school	P	P	
	College/university	P	P	
	Elementary/ middle/high school	P	P	
Government Uses	Courthouse	P	P	
	Fire/EMS station	P	P	
	Police station	P	P	
	Government maintenance facility	X	X	
	Government administration offices	P	P	
	Post office	P	P	
Medical uses	Hospital	S	P	
	Other medical facility	P	P	
Open Space Uses	Cemetery	X	X	
	Community garden	P <sup>10</sup>	P	Sec. 1.4.1.D.3
	Park or greenway	P	P	
	Public square or plaza	P	P	
Transportation uses	Transit station	P	P	
	Park-and-ride facility	S	X	
Utility uses	Major utility facility	X	X	
	Minor utility facility	P	P	
	Telecommunication tower	X	S	
Other Public and Institutional Uses	Club/lodge	P	P	
	Place of worship	P	P	
<b>Commercial Uses</b>				
Animal Care Services	Kennel	X	P	
	Veterinary clinic	S	P	
Eating/Drinking Establishments	Bar/lounge	P	P	
	Restaurant	P	P	
	Specialty eating/drinking establishment	P	P	
Entertainment/ Recreation Uses	Cinema	P	P	
	Arena/stadium	S	S	
	Auditorium/stage theater	P	P	
	Commercial recreation facility	Indoor	P	
		Outdoor	X	S
	Country club/golf course	X	X	
Office Uses	Non-service-oriented offices	P	P	
	Service-oriented offices	P	P	
Retail Sales and Service Uses	Bank or financial institution	P	P	
	Funeral home	X	P	
	Lawn care, pool, or pest control service	X	X	
	Personal services establishment	P	P	
	Plant nursery	X	S	
	Shopping	GFA ≤ 150,000 sf	P	P

<sup>10</sup> Community gardens generally are too land-intensive to be appropriate in a TOD-Core, but would be appropriate if located on a building's rooftop or as a temporary use of a vacant lot pending its development. Provisions limiting community gardens in TOD-Core Subdistricts to such circumstances should be incorporated in the use-specific standards for community gardens.

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Table 1.4.1.A: Allowed Principal Uses					
P = Allowed by Right   S = Allowed only with Special Use Permit   X = Prohibited					
Use Category	Use Type		TOD-Core	TOD-Ring	Use-Specific Standards
	center <sup>11</sup>	GFA > 150,000 ≤ 400,000 sf	P	P	
		GFA > 400,000 ≤ 800,000 sf	P <sup>12</sup>	X	
		GFA > 800,000 sf	X	X	
	Other retail sales and service use <sup>13</sup>	GFA ≤ 50,000 sf	P	P	
		GFA > 50,000 ≤ 100,000 sf	X	S	
		GFA > 100,000 sf	X	X	
Sexually Oriented Businesses <sup>14</sup>					
Vehicle/ Equipment Sales and Service Uses	Automotive painting or body shop		X	S	
	Automotive repair and service		X	S	
	Automotive sales or rental		X	X	
	Car wash		X	S	
	Gas station		X	S	
	Parking lot (as a principal use)		S	P	
	Parking structure (as a principal use)		P	P	Sec. 1.4.1.D.6
	Self-service storage facility		X	S	
	Taxi or limousine service facility		P	P	
	Tire sales and mounting		X	X	
	Truck/recreational vehicle sales, rental, or service		X	X	
Visitor Accommodation Uses	Bed and breakfast inn		X	P	
	Hotel or motel		P	P	
Industrial Uses <sup>15</sup>					
Industrial Service Uses			X	X	
Manufacturing and Production Uses			X	X	
Warehousing and Freight Movement			X	X	

<sup>11</sup> As a multitenant retail sales and service development, shopping centers allow customers to shop at a number of stores without having to drive out onto the streets. Although shopping centers traditionally consist of spread-out, single-story buildings with a large parking lot, they are increasingly multistory with structured parking. Shopping centers commonly are identified as neighborhood, community, regional, or superregional shopping centers, usually distinguished by floor area thresholds such as those shown in the table. Shopping centers might alternatively be distinguished by building footprint thresholds, or by both floor area and footprint thresholds. Doing so recognizes that large multistory shopping centers might be beneficial to establishing the high-intensity activity desired for the core area of an urban TOD district without diminishing its pedestrian-oriented character. Distinguishing of shopping centers may be done in the use table, in the definitions of the various shopping center types, or in the use-specific standards for a shopping center use.

<sup>12</sup> As noted above, a traditional large shopping center would be inappropriate in a TOD-Core Subdistrict, but would be appropriate if the floor area were stacked in a multistory building. Allowing large shopping centers in the TOD-Core Subdistrict

<sup>13</sup> This distinguishes general retail sales and service uses in terms of gross floor area based on the observation that large, single-tenant retail sales and service stores (“big box” retailers) tend to be very auto-oriented, with large surface parking lots—and thus inappropriate in pedestrian-oriented TOD districts. As with shopping centers, these might alternatively be distinguished by building footprint thresholds, though big box retail stores (whether a department, wholesale, grocery, or home supply store) are unlikely to be multistory.

<sup>14</sup> Identification and treatment of sexually oriented businesses (or adult uses) varies among communities. Some communities may find it necessary or acceptable to allow these uses in the TOD district, but should consider subjecting them to spacing or other use-specific standards targeted toward addressing safety concerns and preventing the TOD district from becoming a ‘red-light district.’

<sup>15</sup> Most industrial uses have a scale and impacts that make them inappropriate in a pedestrian-oriented TOD district. Thus this table does not identify the many use types that might fall under each of the use categories. Some communities, however, may find it desirable to allow certain small-scale industrial uses in TOD districts—e.g., craft or artisan industry uses, particularly where they have a retail sales component.

Table 1.4.1.A: Allowed Principal Uses				
P = Allowed by Right S = Allowed only with Special Use Permit X = Prohibited				
Use Category	Use Type	TOD-Core	TOD-Ring	Use-Specific Standards
Uses				
Waste-Related Uses		X	X	
Wholesale trade uses		X	X	

## B. Mixing of Uses

### 1. Mixing of Residential and Nonresidential Uses

No new nonresidential use shall be approved within the district unless a residential development meeting the applicable intensity standards exists or has been approved in the district, or is proposed in conjunction with the nonresidential use.

**Option:** By the time 50 percent of the land area within the TOD District is developed or approved for development, residential uses shall make up at least 30 percent of the total gross floor area existing or approved within the district and nonresidential uses shall make up at least 20 percent of such floor area. No new nonresidential use shall be approved in the district until the 30 percent threshold for residential uses has been met, and no new nonresidential use shall be approved until the 20 percent threshold has been met.

*Commentary: This provision is intended to ensure that the TOD District includes at least some residential uses as it is built out. The optional alternative is more flexible and addresses balancing both residential and nonresidential uses, but requires administrators to keep track of existing and previously approved floor area in the district.*

### 2. Vertical and Horizontal Mixing of Residential Uses

- The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is encouraged—particularly in the TOD-Core subdistrict.
- The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the district is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

### 3. Mixing among Nonresidential Uses

The district shall include existing or approved principal uses from at least two nonresidential use categories identified in Table 1.4.1: Principal Permitted Uses.

*Commentary: This provision is intended to ensure some variety in the categories of nonresidential uses the district includes. It could be expanded to specify particular use categories or use types that should be represented in the district—e.g., eating/drinking establishments, retail sales and service uses. Communities should be careful, however, to avoid inhibiting development by setting use-mixing standards that are too specific or require too many types of use.*

**C. High-Activity Nonresidential Uses at Street Level**

The incorporation of high-activity nonresidential uses such as retail shops and restaurants at street level is encouraged—particularly in the TOD-Core subdistrict and along pedestrian street frontages, and especially along those building facades that face the transit station, streets or pedestrian walkways connecting to the station, or public spaces near the station.

**Option:** New mixed use or nonresidential development in the TOD-Core Subdistrict shall incorporate high-activity nonresidential uses such as retail shops and restaurants at the street level of building facades that abut pedestrian street frontages, streets of pedestrian walkways connecting to the transit station, or public spaces adjacent to the transit station.

*Commentary: To foster the district's pedestrian character, this provision encourages street level facades along pedestrian frontage streets to contain nonresidential uses that involve high interaction with sidewalk traffic. The optional provision goes a step farther to require such uses. In some communities, particularly where the local economy is not strong, requiring these high-activity uses at street level may impede district development and counter any potential benefit. An in-between alternative would be to offer incentives to developments that incorporate high activity nonresidential development at street level. Such incentives might include an expanded list of permitted uses.*

**D. Use-Specific Standards**

*As noted above, use-specific standards are provided only for principal uses that are particularly important to achieving the purposes of the TOD District, or that have standards intended to achieve TOD District purposes.*

**1. Live-Work Unit**

*[See the model standards in CRCOG's Draft Model Regulations: Housing Diversity and Affordability – Live/Work Units.]*

**2. Three- or Four-Family Dwelling**

- a. The dwelling shall be configured through massing, door placement, centralized parking location, and use of exterior materials to give the dwelling the appearance of a large single-family detached home.

- b. Ground-floor dwelling units shall be accessed via internal corridors or from individual exterior porches or stoops served by a designated walkway, and upper-story dwelling units shall be accessed via internal corridors, common stairways, or individual stairways.



*Commentary: These standards are intended to ensure three- and four-family dwellings are compatible when located among single-family detached dwellings.*



**3. Community Garden**

*[See the model standards in CRCOG's Draft Model Regulations: Community Gardens.]*

**4. Shopping Center**

*Commentary: If shopping center types are not distinguished in the use table, they might be distinguished here, with a standard such as: "Only shopping centers with a gross floor area [or a building footprint] of \_\_\_\_ square feet or less are allowed in the TOD-Core Subdistrict."*

**5. Other Retail Sales and Service Use**

*If types of this catchall use are not distinguished in the use table, they might be distinguished here, with a standard similar to that used to distinguish types of shopping centers.*

**6. Parking Structure**

See Section 1.6.4.F, Parking Structures.

**1.4.2. ACCESSORY USES/STRUCTURES**

**A. Permitted Accessory Uses/Structures**

Table 1.4.1.A: Permitted Accessory Uses/Structures <sup>1</sup>				
A = Allowed by Right    S = Allowed only with Special Use Permit    X = Prohibited				
Accessory Use or Structure		TOD-Core	TOD-Ring	Use-Specific Standards
Accessory dwelling unit (ADU)		A	A	Sec. 1.4.2.B.1
Amateur radio antenna		A	A	
Automatic teller machine (ATM)		A	A	Sec. 1.4.2.B.2
Bed and breakfast (B&B) (as accessory to single-family dwellings)		X	A	
Drive-through service		X	A	Sec. 1.4.2.B.3
Electric vehicle charging station <sup>16</sup>	Level 1 or 2	A	A	Sec. 1.4.2.B.4
	Level 3	A	A	Sec. 1.4.2.B.4
Family day care home		A	A	
Home-based business		A	A	Sec. 1.4.2.B.5
Outdoor display and sale of merchandise		A	A	Sec. 1.4.2.B.6
Outdoor garden <sup>17</sup>	Ground area ≤ 3,000 square feet	A	A	
	Ground area > 3,000 square feet	X	A	
Outdoor recreational facility <sup>18</sup>	Ground area ≤ 3,000 square feet	A	A	
	Ground area > 3,000 square feet	X	A	
Outdoor seating (as accessory to eating/drinking establishments)		A	A	Sec. 1.4.2.B.7
Outdoor storage		X	A	Sec. 1.4.2.B.8
Parking lot, surface	Up to 50 spaces	A	A	
	More than 50 spaces	X	A	
Parking structure		A	A	Sec. 1.4.2.B.9
Rainwater cistern		A	A	

<sup>16</sup> As the number of electric and chargeable hybrid cars continues to grow, so too will the need for EV charging stations—which are generally categorized as level 1, level 2, or level 3.

<sup>17</sup> Distinguishing accessory gardens by size allows a code to prohibit the use of large ground space for large gardens rather than as sites for buildings that might be more beneficial to the TOD District. Any such prohibition would not apply to rooftop gardens.

<sup>18</sup> Accessory outdoor recreational facilities are distinguished by size for the same reason as with accessory gardens. As with the gardens, any resulting prohibition of large outdoor recreational facilities would not apply to rooftop facilities.

Table 1.4.1.A: Permitted Accessory Uses/Structures <sup>1</sup>			
A = Allowed by Right    S = Allowed only with Special Use Permit    X = Prohibited			
Accessory Use or Structure	TOD-Core	TOD-Ring	Use-Specific Standards
Recycling bin	A	A	
Satellite dish	A	A	
Solar collection system, small	A	A	Sec. 1.4.2.B.10
Wind energy system, small	A	A	Sec. 1.4.2.B.11
Accessory use/structure other than those listed above	A	A	
NOTES:			
1. This table does not list all allowable accessory uses/structures, but only those that are expressly prohibited or subject to special standards, or are expressly listed to clarify that they are allowed.			

## B. Use-Specific Standards

*As with principal uses, use-specific standards are provided only for accessory uses that are particularly important to achieving the purposes of the TOD District, or that have standards intended to achieve TOD District purposes.*

### 1. Accessory Dwelling Unit (ADU)

*See the model standards in CRCOG's Draft Model Regulations: Housing Diversity and Affordability – Accessory Dwelling Units.*

### 2. Automatic Teller Machine (ATM)

- An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
- If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 1.4.2.B.3, Drive-Through Service.

### 3. Drive-Through Service

- Vehicular access to and from the drive-through facility shall be from a street other than a pedestrian frontage street.
- The driveway or drive aisle providing vehicular access to drive-through service facilities shall include the minimum number of stacking spaces set forth in the table below.

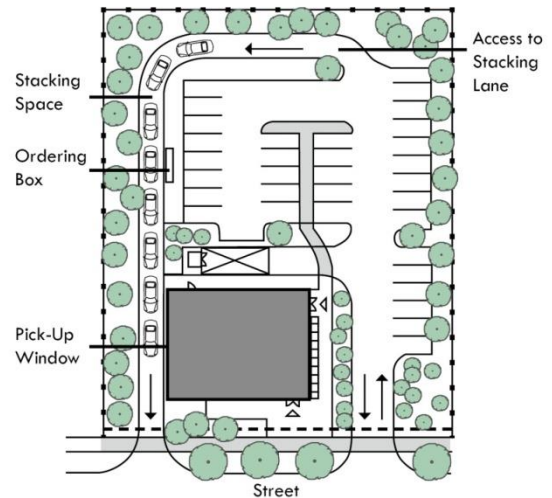
Table 1.4.2.B.3.b: Minimum Stacking Spaces for Drive-Through Service Facilities		
Principal Use	Minimum Number of Stacking Spaces <sup>1</sup>	Measured From
Automated Teller Machine (ATM)	2	Teller machine
Eating/Drinking Use <sup>2</sup>	4 per lane	Order box
Retail Sales and Service Use (e.g., bank, drug store, laundry/dry cleaning pick-up)	3 per lane	Window
Other use		
NOTES:		
1. Stacking spaces shall be at least ten feet wide and 20 feet long.		

**Table 1.4.2.B.3.b: Minimum Stacking Spaces for Drive-Through Service Facilities**

Principal Use	Minimum Number of Stacking Spaces <sup>1</sup>	Measured From
2. Restaurants with drive-through service shall provide at least 4 additional stacking spaces between the order box and the pick-up window.		

c. The drive-through service facility, including the access driveway or drive aisle and the stacking spaces, shall be designed to avoid impediments to:

- i. On-site or off-site vehicular traffic movements or movements into or out of off-street parking spaces;
- ii. On-site or off-site bicycle traffic movements along bikeways and to and from bicycle parking; and



Stacking spaces for a restaurant with drive-through service  
(not on a pedestrian frontage street)

- iii. On-site or off-site pedestrian traffic movements along sidewalks, through public use areas, or between parking spaces and building entrances.

d. Stacking spaces shall be separated from other internal vehicular driveways or drive aisles by raised medians where deemed necessary for efficient traffic movement and safety by the (insert title of appropriate administrative official).

#### 4. Electric Vehicle Charging Station

- a. Except where accessory to a single-family detached, duplex, single-family attached, or manufactured home dwelling, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
- b. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

**5. Home-Based Business**

*Commentary: Standards for home-based businesses (or home occupations) commonly limit the area devoted to the business, require the person conducting the business to be an occupant of the home, prohibit or limit the number of nonresident business employees, restrict on-site sales, restrict customer and deliver traffic, limit signage, restrict the use of accessory structures, restrict outdoor storage, prohibit outdoor conduct of business activities, and prohibit certain noise, odors, vibrations, and similar adverse off-site impacts. In keeping with the mixed-use character of TOD districts and minimize trip generation, communities should consider encouraging home-based businesses by relaxing some of these standards—particularly standards that limit the business to less than 25 percent of the dwelling unit's total floor area, limit the number of nonresident business employees to less than two (full-time equivalent) employees, restrict the use of accessory structures, or prohibit outdoor activities.*

**6. Outdoor Display and Sale of Merchandise**

- a. Outdoor display/sales areas shall be limited to no more than one-half of the length of the front or side of the principal building. In the case of a multitenant building, the total amount of outdoor display/sales area for all the in-line tenants combined shall not exceed one-half the aggregate length of the front of the building.
- b. Outdoor display/sales areas shall be located to maintain a clearance area in front of primary building entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.
- c. An obstruction-free area at least five feet wide shall be maintained through the display/sales area or between it and adjacent sidewalk for the length of the front building facade.
- d. No goods shall be attached to a building's wall surface.
- e. The height of the outdoor display shall not exceed eight feet.
- f. The outdoor display/sales area shall be located on an improved surface such as a sidewalk.
- g. Outdoor display/sales areas shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.

*Commentary: A pedestrian-friendly TOD district depends on substantial interaction between sidewalk pedestrians and fronting retail sales and service uses. Outdoor display and sale of merchandise contributes to that interaction and should be allowed, but controlled to address potential adverse visual impacts, safety concerns, and impediments to pedestrian traffic. These standards are intended to address those objectives.*

**7. Outdoor Seating (as accessory to Eating/Drinking Establishments)**

- a. Hours of operation of the outdoor seating area shall be the same as those for the eating/drinking establishment.



- b. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in the outdoor seating area at a volume that is any louder than necessary for the convenient hearing of persons within the outdoor seating area, or that would disturb the peace, quiet, or comfort of adjoining properties.
- c. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- d. No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
- e. The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating/drinking establishment subject to the following requirements:
  - i. The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating/drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.
  - ii. The operator of the eating/drinking establishment shall enter into a revocable license agreement with the municipality that has been approved as to form by the municipal attorney and:
    - (A) Ensures that the operator is adequately insured against and indemnifies and holds the municipality harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;
    - (B) Authorizes the municipality to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and
    - (C) Authorizes the municipality to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a municipal order to do so within a reasonable time period.
- f. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk to the principal entrance(s) into the eating/drinking establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

- g. A clear separation of at least five feet shall be maintained between the outdoor seating area and any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater separation distance may be required where necessary to ensure use of the public or emergency access feature.
- h. No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.
- i. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

*Commentary: Outdoor seating for restaurants and other eating/drinking establishments can contribute to the pedestrian activity and interaction desired in TOD districts—particularly outdoor seating on or next to the sidewalk. These standards are intended to address impacts and concerns associated with such an accessory use.*

**8. Outdoor Storage**

- a. The outdoor storage area shall be located to the rear of the development's principal building(s).
- b. The outdoor storage area shall be screened from view from all property lines and adjacent street rights-of-way by any combination of an opaque fence, wall, and landscaped berm that is at least six feet high and incorporates at least one of the predominant materials and at least one of the predominant colors of the development's principal building(s). Materials shall not be stored higher than the height of the screening.

*Although generally prohibited in TOD districts as a principal use, many principal uses allowed in the district may have some degree of accessory outdoor storage. These standards are intended to ensure outdoor storage area do not adversely impact the visual character of the district.*

**9. Parking Structure**

See Section 1.6.4.F, Parking Structures.

**10. Solar collection system, small**

*See the model standards in CRCOG's Draft Model Regulations: Alternative Energy.*

**11. Wind energy system, small**

*See the model standards in CRCOG's Draft Model Regulations: Alternative Energy.*

### 1.4.3. TEMPORARY USES/STRUCTURES

#### A. Permitted Temporary Uses/Structures

Table 1.4.1.A: Permitted Accessory Uses/Structures <sup>1</sup> √ = Allowed by Right    T = Allowed only with Temporary Use Permit    X = Prohibited			
Temporary Use or Structure	TOD-Core	TOD-Ring	Use-Specific Standards
Farmers' market	T <sup>1</sup>	T <sup>1</sup>	Sec. 1.4.3.B.1
Food truck	T <sup>1</sup>	T <sup>1</sup>	Sec. 1.4.3.B.2
Garage or yard sale	√	√	
Mobile classroom	√	√	
Seasonal outdoor sales	√	√	
Special event	T	T	
Street vendor	T <sup>1</sup>	T <sup>1</sup>	Sec. 1.4.3.B.3
Temporary construction-related structure or facility	√	√	
Temporary real estate sales office	√	√	
Temporary portable storage unit	√	√	
NOTES: 1. The Temporary Use Permit may be issued on an annual basis, subject to renewal.			

#### B. Use-Specific Standards for Temporary Uses/Structures

*As with principal and accessory uses, use-specific standards are provided only for temporary uses that are particularly important to achieving the purposes of the TOD District, or that have standards intended to achieve TOD District purposes.*

##### 1. Farmers' Market

- a. The market shall operate on a continuous basis for no more than five months per year on a single site.
- b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer.
- c. The market shall provide adequate ingress, egress, and off-street parking areas.
- d. Items for sale shall not be displayed or stored within customer pathways.
- e. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- f. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.
- g. The market shall comply with applicable signage standards in (Insert reference to section containing signage standards).

*Commentary: On the surface, a farmers' market might be thought of as taking up land area that might be better used for the higher-intensity buildings that are so important to establishing a TOD district as a pedestrian-oriented activity center. But it can contribute substantially to generating the social interaction that is equally important to establishing the identity and character of a TOD district, as well as to local food production that is important to the sustainability of the community and its residents. If a farmers' market occurs in parking areas or public open space at times when such areas are not otherwise used, it can only add to the TOD district.*

**2. Food Truck**

- a. Except for ice cream trucks and food trucks associated with permitted special event, food trucks shall be located only in a parking lot serving a principal building or use, and only with the written consent of the property owner.
- b. Food trucks shall be located at least 100 feet from the main entrance or outdoor seating area of any eating establishment, and at least 50 feet from any permitted food street vendor.
- c. Ice cream trucks may stop and operate from a permitted curbside parking area along a street only where the speed limit is no more than 35 miles per hour.
- d. Food trucks shall not locate on any street or within any area of a parking lot in a manner that impedes, endangers, or interferes with pedestrian, bicycle, or vehicular traffic.
- e. Food trucks shall be located at least 15 feet from any fire hydrant.
- f. Food trucks shall not occupy any handicapped parking space.
- g. No free-standing signage shall be permitted as part of the food truck's vending operation.
- h. No audio amplification is allowed except for ice cream trucks, which shall comply with the municipality's noise regulations.
- i. Outdoor seating areas associated with a food truck's vending operation are not permitted.
- j. Hours of operation of food trucks shall be limited to the hours between 6:00 a.m. and 12:00 a.m. (midnight) unless the designated location on the lot accommodating the food truck is located within 150 feet of a lot containing a single- or two-family dwelling, in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- k. Except during an emergency, the food truck's operator or designee shall be present at the food truck at all times.
- l. Food trucks shall not be stored, parked, or left overnight on any public street.



- m. The food truck's operator is responsible for the proper disposal of waste and trash associated with the operation. The operator shall remove all waste and trash associated with their truck at the end of each day, and shall keep all areas within five feet of the truck clean of grease, trash, paper, cups, or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains, or onto the sidewalks, streets, or other public spaces. Under no circumstances shall grease be released or disposed of into the municipality's sanitary sewer system.
- n. All equipment required for the food truck operation shall be contained within, attached to, or located within three feet of, the food truck. All food preparation, storage, and all sales and distribution shall comply with all applicable municipal, State, and federal sanitary regulations.
- o. Before starting approved food truck operations, the operator shall provide the (Insert title of appropriate administrative official) evidence of having obtained all required municipal, State, and federal permits and licenses. All such permits and licenses shall be clearly displayed on the food truck. If at any time a required municipal, State, or federal permit or license is revoked or otherwise becomes invalid, the Temporary Use Permit for the food truck shall be immediately revoked or suspended.
- p. If at any time evidence is provided that food truck operations are not in compliance with these regulations, the property owner and/or food truck may be held responsible for the violation.

*Commentary: Food trucks are becoming increasingly popular in urban and suburban communities and can significantly contribute to a TOD district's character as pedestrian-friendly and a center of activity. This section is representative of the types of standards commonly applied to food trucks.*

### **3. Street Vendor**

- a. Carts used for street vending shall be on wheels, be no longer six feet, and be no higher than five feet (excluding canopies, umbrellas, or transparent enclosures).
- b. No signage for street vendors shall be allowed other than signs permanently attached to the cart.
- c. Encroachment permits and liability insurance shall be required to operate within any municipal or State right-of-way.
- d. The operator of a street vending cart operating adjacent to or in front of a business other than one they own or operate shall first obtain permission to operate there from the owner of such business, and shall submit evidence of such permission to the (Insert title of appropriate administrative official). This requirement does not apply if the street vender is participating in a special event permitted by the municipality.
- e. Temporary connections to potable water systems are prohibited. All plumbing and electrical connections shall be in accordance with the Building Code.

- f. Mobile prepared-food vendors shall not operate as a drive-through service facility.
- g. Approval by the Health Department is required for all food vendors.
- h. Vendor carts shall not restrict or interfere with the pedestrian ingress to or egress from an abutting building.
- i. Vendor carts shall not be located in medians.
- j. The (Insert title of appropriate administrative official) may revoke any development permit issued for this use on determining that the vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located, or that the use is otherwise creating a danger to public health or safety.

*Commentary: Street vendors have long been deemed the epitome of an active urban pedestrian sidewalk. This section includes the types of standards commonly applied to street vendors.*

## 1.5 INTENSITY AND DIMENSIONAL STANDARDS

*The table below consolidates intensity and dimensional standards deemed appropriate in the TOD areas most common in the region such as low- and moderate-intensity **suburban town center TOD districts**. Similar tables depicting with intensity and dimensional standards suitable in more urban TOD Districts and in more rural TOD Districts are located in the boxes at the end of this document. The standards in any of these tables should be considered a starting point for consideration of the intensity and dimensional standards appropriate to various TOD districts in the host community, based on the characters of the community, existing development in the TOD District, and existing and planned development in areas surrounding the TOD District.*

Table 1.5: Intensity and Dimensional Standards			
Subdistrict:	TOD-Core	TOD-Ring	
Use:	All Uses	Nonresidential & Mixed-Use	Residential
<b>Block and Lot Standards</b>			
Block length (min   max)	200 ft   400 ft	400 ft   800 ft	400 ft   800 ft
Lot area (min)	1,500 sf	3,000 sf	5,000 sf <sup>1</sup>
Lot width (min)	20 ft	30 ft	50 ft <sup>2</sup>
<b>Intensity</b>			
Residential density (min   max) <sup>3</sup>	15du/ac   35du/ac	n/a	7.5du/ac   17du/ac
Floor area ratio (FAR) (min   max) <sup>4</sup>	0.75   4.0	0.5   2.5	n/a
Lot coverage (min   max)	60%   100%	40%   85%	n/a   70%
Open space (min, as % of lot area) <sup>5</sup>	5%	15%	20%
<b>Building Placement</b>			
Build-to line (min   max) <sup>6</sup>	0 ft/12 ft	0/20 ft	0/20 ft
Building width in build-to zone (min, as % of lot width) <sup>5</sup>	80% <sup>7</sup>	70% <sup>7</sup>	50% <sup>7</sup>
Front setback (min) <sup>8</sup>	0 ft	0 ft	10 ft
Side setback (min)	0 ft	0 ft	5 ft <sup>9</sup>

**Table 1.5: Intensity and Dimensional Standards**

Subdistrict:	TOD-Core	TOD-Ring	
Use:	All Uses	Nonresidential & Mixed-Use	Residential
Corner side setback (min)	0 ft	0 ft	0 ft
Rear setback (min)	0 ft	0	5 ft
<b>Height</b>			
Structure height (min   max) <sup>10</sup>	2 stories   6 stories	1 story   4 stories	1 story   4 stories
	25 ft   75 ft	15 ft   60 ft	15 ft   60 ft

NOTES: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. 1,500 square feet for townhouse lots.

2. 20 feet for townhouse lots.

3. Applicable to residential-only development.

4. Applicable to nonresidential developments and mixed-use developments (including their residential components).

5. Open space may be located on rooftops and on decks or porches as well as in ground-level plazas, courtyards, lawns, and gardens.

6. Applicable only along pedestrian street frontages.

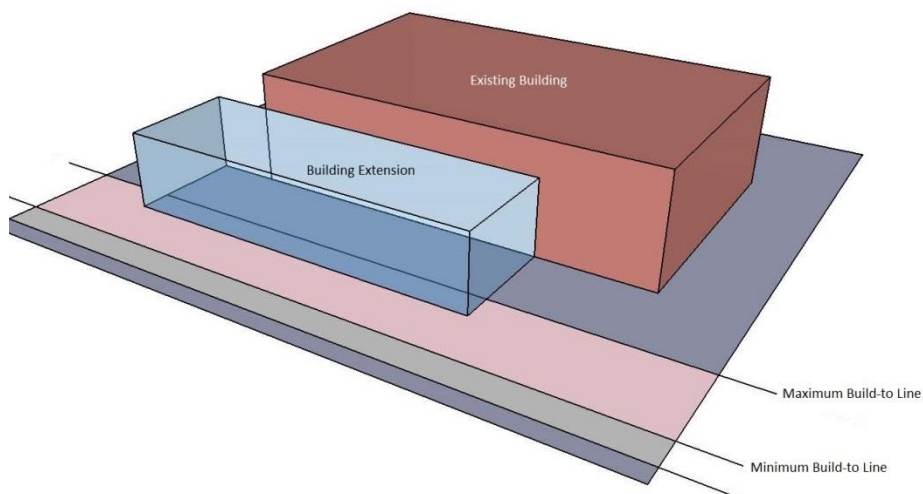
7. The remaining build-to zone street frontage may be occupied by outdoor gathering spaces, driveways, pedestrian walkways, or surface parking located to the sides of buildings.

8. Applicable only along street frontages other than pedestrian street frontages.

9. Not applicable to townhouse lots except where abutting a lot containing or designed for a single- or two-family dwelling.

10. Both story and feet standards apply.

*Commentary: The build-to line standards in the above table are intended to ensure that buildings constructed along pedestrian streets are close enough to the sidewalk to encourage a high level of pedestrian activity along the streetscape. But how can a community promote pedestrian-friendly redevelopment along a street frontage consisting largely of existing buildings set well back from the street, behind the maximum build-to line? The build-to line standards certainly provide the opportunity to extend such existing nonconforming buildings towards the street. But some communities have taken the extra step of providing that existing buildings located behind the maximum build-to line may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line. See graphic below.*



## Step-Up Option

It might be appropriate to add provisions offering an intensity bonus to developments that incorporate features important to TOD District character to an extent beyond that required by these standards. Intensity bonuses could allow new development to exceed the maximum density, maximum floor area ratio, maximum structure height standards set forth in Table 1.5 if, for example, the development provides affordable or workforce housing units, provides public amenities beyond that required by development standards, is designed to qualify for LEED certification, is a vertically mixed development with residential uses on upper floors above street-level retail sales and service and service-oriented office uses, or any other development feature important to establishing and maintaining the character of the TOD District.

There are many ways to draft intensity bonus provisions. Such provisions need to specify the particular type and level or extent of development features that qualify for a bonus and quantitatively relate them to a particular type and level of bonus. If multiple types or levels of features are to qualify for multiple types or levels of bonuses, it is probably best to use a point system. Each type and level of a qualifying feature is assigned a certain number of points, and each type and level of bonus requires a minimum point total.

### 1.6 DEVELOPMENT AND DESIGN STANDARDS

The following standards shall apply to development in a TOD district in addition to any applicable development and design standards in (Insert cross-reference to the chapter or article containing generally applicable development and design standards).

#### 1.6.1. GENERAL SITE LAYOUT

The layout of streets, alleys, lots, building sites, and other elements of development shall be designed to maximize safe and convenient vehicular, bicycle, and pedestrian access to the associated transit station and provide the views and community amenities that help define the station as the focal point of the District.

#### 1.6.2. ACCESS AND CIRCULATION

##### A. Connectivity

1. The internal vehicular, bicycle, and pedestrian circulation systems of mixed-use, multifamily, townhouse, or nonresidential development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or allowable mixed-use, multifamily, townhouse, or nonresidential development on adjoining lots.
2. The (Insert title of appropriate administrative official) may waive or modify the above requirement on determining that such cross-access is impractical due to site constraints, or inappropriate due to traffic safety issues, or undesirable due to the proposed development's incompatibility with existing development on the adjoining lot.

3. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate municipal land records.

*Commentary: A well-connected system of streets, bikeways, and walkways is essential to a TOD district—both to ensure convenient access between the transit station and all major origin and destination points within and surrounding the district, and to ensure the level of access and circulation needed to establish the district as a vibrant mixed-use activity center. Although cross-access standards may be included among a code's general applicable access and circulation standards, they are included here because of the added importance of minimizing sidewalk-disrupting curb cuts in a TOD district.*

**B. Vehicular Access and Circulation**

**1. Alley Access**

A continuous network of rear alleys is encouraged for all lots. Vehicular access to lots 60 feet or less in width shall be from a rear alley.

**2. Curb Cuts**

- a. Driveway curb cuts are not allowed along any pedestrian street frontage, and are allowed along other street frontages only if vehicular access cannot be provided from an alley or cross-access easement.
- b. Driveway curb cuts shall be no wider than 24 feet and shall be located at least 50 feet from a street intersection and at least 100 feet from another driveway curb cut on the same block face.

*Commentary: These standards are intended to underscore the need to limit sidewalk-disrupting curb cuts in TOD districts.*

**C. Pedestrian Access and Circulation**

**1. Sidewalks and Walkways**

- a. Sidewalks are encouraged to be at least ten feet wide along pedestrian street frontages (to accommodate street furniture, outdoor dining, or other pedestrian amenities) and shall be at least six feet wide along all street frontages.
- b. Sidewalks shall maintain a pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of five feet and a minimum height of eight feet.
- c. Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, or decorative bollards.
- d. At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance required in Section 1.6.4.D, Building Entrances.

**2. Pedestrian Cut-Throughs**

- a. Pedestrian walkways shall be provided through approximately the centers of blocks that are more than 25 percent longer than the maximum block



length standard in Table 1.5: Intensity and Dimensional Standards, where necessary to provide convenient pedestrian access within the development or to adjacent transit stations, schools, recreational facilities, community facilities, or commercial developments.

- b. Such pedestrian cut-through walkways shall be located within a public right-of-way or public access easement that is at least eight feet wide.

*Commentary: These standards are intended to ensure a leading role for sidewalks and other pedestrian walkways in the TOD District. Along pedestrian frontage streets, where the highest level of pedestrian activity is expected and/or encouraged, wider sidewalks are needed to accommodate higher volumes of pedestrian traffic and the outdoor dining, street furniture, and other pedestrian amenities that serve the pedestrians.*

### 1.6.3. OFF-STREET PARKING

#### A. Vehicle Parking

##### 1. Reduced Minimum Vehicle Parking Space Standards<sup>19</sup>

- a. The minimum required number of off-street vehicle parking spaces shall be 75 percent of the minimum requirements in (Insert cross-reference to generally applicable parking space requirements) for development in the TOD-Core Subdistrict, and 85 percent of such minimum requirements for development in the TOD-Ring Subdistrict.
- b. The (Insert title of appropriate administrative official) may approve a proposal to further reduce number of off-street vehicle parking spaces required for a development, provided the development application includes a study demonstrating that because of the development's specific location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum specified in paragraph a above.

*Commentary: Land used for excessive surface parking undermines the pedestrian-oriented character of a TOD district. Thus it is important to make sure minimum parking standards are indeed "minimum" and reflect the reduced vehicular trips and parking demand inherent with mixed-use development and with the availability of transit as an alternative means of transportation.*

*How minimum parking requirements for a TOD District relate to generally applicable parking standards depends on the type, intensity, and character of the TOD district as well as how well the generally applicable parking requirements themselves reflect current-day parking demands in the particular community. A 2008 Transportation Research Board report found that multifamily housing near transit stations produce an average of 44 percent fewer daily vehicle trips than ITE trip generation rates predict for the same land uses not located near transit and*

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<sup>19</sup> This recognizes that transit-oriented development generate significantly reduced parking demands due to its direct accessibility to a transit system and its mixing of uses (and thus sharing of automobile trips). The percentages are based on the assumption that generally applicable parking requirements are largely based on ITE parking generation rates and that the degree of appropriate is less than that shown as justified for more urban TODs (see Commentary). The second provision is intended to provide flexibility to consider even lower parking requirements where justified for a particular development.

that ITE trip generation rates “over-park” TODs by as much as 50 percent.<sup>20</sup> Subsequent studies indicate that actual vehicle trip counts in mixed-use smart-growth sites in California average about 56 percent lower than those estimated by ITE trip generation rates.<sup>21</sup> A 2011 parking policy study for Montgomery County, MD,<sup>22</sup> recommended baseline parking space requirements for residential (1.2 per unit), office (2.25 per 1,000 sf), general commercial (1.25 per 1,000 sf), restaurants and bars (1.75 per 1,000 sf), hotels (1 per guest room), and events-based uses (1 per 1,000 sf). Transit-oriented development guidelines for Atlanta<sup>23</sup> proposed minimum/maximum parking space requirements for multifamily residential near transit stations (0.75/1.25 per unit, other residential (1.0/2.0 per unit), office (1.5/2.5 per 1,000 sf), retail and restaurant near transit stations (0/3.3 per 1,000 sf), and other retail and restaurants (1.75/3.3 per 1,000 sf).

Given that most of these studies concerned more urban communities than those in the Capitol region, the proposed percentages for a suburban TOD district represent less of a reduction than suggested by the studies.

## 2. Maximum Off-Street Vehicle Parking Spaces

- a. The maximum number of off-street vehicle parking spaces shall be 125 percent of the minimum requirements established in Section 1.6.3.A.1 above for development in the TOD-Core Subdistrict, and 100 percent of such minimum requirements for development in the TOD-Ring Subdistrict.

**Optional Addition:** Vehicle parking spaces within a parking structure shall not count towards application of this maximum standard.

- b. The (Insert title of appropriate administrative official) may allow the number of off-street vehicle parking spaces proposed for a development to exceed the maximum standards establish in the Section 1.6.3.A.2.a above where the development application includes a parking demand study demonstrating how the maximum allowed number of parking spaces is insufficient for the development. The number of additional vehicle parking spaces allowed shall be limited to the minimum number of spaces justified as needed by the required parking demand study.

*Commentary: Although communities are increasingly adding maximum parking standards as generally applicable standards, such maximums are particularly important in TOD districts. The optional addition provides some incentive for developers to use structured parking. A flexibility provision is provided to address situations where the demand for more spaces can be demonstrated.*

<sup>20</sup> Arrington, G.B. and Robert Cervero. 2008. “Effects of TOD on Housing, Parking, and Travel.” TCRP Report 128. Transportation Research Board.

<sup>21</sup> Handy, Susan, Kevan Shafizadeh, and Robert Schneider. “California Smart-Growth Trip Generation Rates Study: Final Report.” 2013. University of California, Davis for the California Department of Transportation. As a follow-up to this study, the Urban Land Use and Transportation Center at the University of California, Davis, developed a “Smart Growth Trip-Generation Adjustment Tool.” For more information, see <http://ultrans.its.ucdavis.edu/projects/smart-growth-trip-generation>.

<sup>22</sup> The Maryland-National Capital Park and Planning Commission and Montgomery Department of Transportation. 2011. “Montgomery County Parking Policy Study.”

<sup>23</sup> Metropolitan Atlanta Rapid Transit Authority. 2010. *Transit –Oriented Development Guidelines*. Atlanta, GA.MARTA.

**3. Off-Street Parking Arrangement and Design**

**a. Location**

- i. In the TOD-Core Subdistrict and along any pedestrian street frontage in the TOD-Ring Subdistrict, all proposed new or additional surface vehicle parking shall be located to the rear of the development's principal building(s) or in a parking structure "wrapped" with retail, office, or residential uses in accordance with Section 1.6.4.F, Parking Structures.
- ii. In the TOD-Ring Subdistrict, other than along a pedestrian street frontage, no more than one bay of surface vehicle parking may be located between the development's principal building(s) and adjoining streets.

**b. Break-Up of Large Parking Lots in the TOD District**

Surface parking lots shall have 100 or fewer parking spaces unless they are organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped islands in accordance with (Insert cross-reference to parking lot landscaping standards).

**c. Pedestrian Walkways Through Parking Areas**

All vehicle parking lots and structures containing more than 50 parking spaces shall provide a clearly identified pedestrian route between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access to the primary building entrance(s).

*These standards are intended to ensure that off-street parking does not undermine a TOD district's pedestrian-friendly environment—especially in the district's core and along its most pedestrian-oriented street frontages.*

**B. Bicycle Parking**

1. Development shall provide at least one bicycle rack, locker, or other bicycle parking facility designed to accommodate parking spaces for at least four bicycles, plus additional or larger facilities designed to accommodate parking spaces for at least two additional bicycles for each ten vehicle parking spaces over 20 parking spaces in the TOD-Core Subdistrict, and for at least one additional bicycle for each ten vehicle parking space spaces over 20 parking space in the TOD-Ring Subdistrict.
2. Bicycle parking facilities shall be located within 50 feet of the primary pedestrian entrance(s) to the development's principal building(s).

**C. Alternative Parking Arrangements**

*These standards provide flexibility in how a developer can comply with parking standards. They probably should be generally applicable throughout a community, but are included here to emphasize the greater need for such flexibility in TOD districts, where higher development intensities and the focus on pedestrian friendliness make such flexibility even more important.*

The following alternative arrangements may be used to meet the minimum number of parking spaces requirement for both vehicular and bicycle parking.

**1. Shared Parking**

Shared parking—i.e., use of parking spaces used or proposed to be used to meet the minimum number of off-street parking spaces required for one or more other developments—may be used to meet up to 50 percent of the minimum number of parking spaces required for a proposed development in accordance with the following standards.

- a. The development application shall include a study justifying the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.
- b. Shared parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrances to the uses served by the parking.
- c. Shared parking spaces shall not be separated from the use they serve by a major or minor thoroughfare unless pedestrian access across the thoroughfare is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).
- d. Adequate and safe pedestrian access shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking.
- e. Signage complying with the standards of Section 5.16, Signage, shall be provided to direct the public to the shared parking spaces.
- f. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of the shared parking area for as long as the shared parking spaces are needed to comply with this section, and shall be binding on subsequent owners or long-term lessees. The agreement shall be submitted to the (Insert title of appropriate administrative official) for review and approval. A copy of an approved and executed agreement shall be recorded in the appropriate municipal land records.
- g. Any termination of the agreement does not negate the parties' obligations to comply with parking requirements. No use served by the shared parking may be continued if the agreement is terminated or the shared parking otherwise becomes unavailable to the use unless substitute off-street parking spaces are provided in accordance with this section.

## **2. Off-Site Parking**

Off-site parking—i.e., off-street parking spaces located on a lot separate from the lot containing a proposed development—may be used to meet the minimum number of parking spaces required for the development in accordance with the following standards:

- a. The zoning classification of the off-site parking area shall be one that allows the use served by off-site parking (and thus off-street parking is accessory to such use) or that allows parking as a principal use.
- b. Off-site parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrance(s) to the use(s) served by the parking.
- c. Off-site parking spaces shall not be separated from the use they serve by a major or minor thoroughfare unless safe pedestrian access across the street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).
- d. Adequate and safe pedestrian access shall be provided between the off-site parking areas and the primary pedestrian entrance(s) to the use(s) served by the parking.
- e. If land containing the off-site parking area is not under the same ownership as land containing the principal use served, an approved off-site parking arrangement shall be enforced through a written agreement between the owners or long-term lessees of land containing the off-site parking area and land containing the served use. The agreement shall provide the owner or long-term lessee of the served use the right to use the off-site parking area for as long as the shared parking spaces are needed to comply with this section, and shall be binding on subsequent owners or long-term lessees. The agreement shall be submitted to the (Insert title of appropriate administrative official) for review and approval. A copy of an approved and executed agreement shall be recorded in the appropriate municipal land records.
- f. Any termination of the agreement does not negate the landowner's obligation to comply with parking requirements. No use served by the off-site parking may be continued if the agreement is terminated or the off-site parking otherwise becomes unavailable unless substitute off-street parking spaces are provided in accordance with this section.

## **3. Deferred Parking**

The (Insert title of appropriate administrative official) may approve a proposal to defer construction of up to 20 percent of the number of off-street vehicle parking spaces required for a development, in accordance with the following standards:

- a. The development application shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required.



- b. The application shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.
- c. The application shall provide assurance that within 18 months after the initial Certificate of Occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the (Insert title of appropriate administrative official) .
- d. If the (Insert title of appropriate administrative official) determines that the study indicates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the (Insert title of appropriate administrative official) determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section, and shall be provided within 12 months after the determination.
- e. Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.
- f. Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with (Insert reference to generally applicable parking lot landscaping standards).

*Commentary: This alternative allows reduced parking on a trial basis, where the proposed reduction can be justified by a study and after 18 months either confirmed or not confirmed and remedied.*

#### **4. Valet and Tandem Parking**

Valet and tandem vehicle parking may be established and used to meet the minimum number of parking spaces requirement only in accordance with a valet agreement that is approved by the (Insert title of appropriate administrative official) and includes provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.

#### **5. On-Street Parking**

On-street parking spaces may be used to meet up to 25 percent of the minimum number of parking spaces requirement where:

- a. The on-street parking spaces are located along the development site's street frontage or within 150 linear feet of walking distance from the primary entrance of the proposed use;
- b. The on-street parking spaces are not counted towards meeting the off-street parking requirement for any other development; and
- c. The (Insert title of appropriate administrative official) determines there will be no negative impact to existing or planned traffic circulation patterns.

*Commentary: Allowing on-street parking to count towards a development's parking requirements reflects the important role streetscape (including on-street parking) has in defining the character of a TOD district.*

**6. In-Lieu Payment to Municipal Parking Fund**

- a. The (Insert name of municipal governing body) may authorize applicable off-street parking requirements for a nonresidential use to be satisfied, in whole or in part, by the applicant's payment of a proportionate share in-lieu fee established by the (Insert name of municipal governing body) that is consistent with, but does not exceed, costs the municipality will incur to provide the equivalent number of public parking spaces that can serve the use.
- b. A request to pay an in-lieu fee shall be submitted in writing to the (Insert title of appropriate administrative official) , who shall forward it to the (Insert name of municipal governing body) for review. The (Insert name of municipal governing body) may approve such a request on determining that:
  - i. Due to the availability of transit or unique characteristics of the use or area, the unavailability of the off-street parking spaces for which the fee is made as part of the development will not result in traffic congestion and will be compatible with the character of surrounding properties, and
  - ii. Sufficient public parking exists or is budgeted and scheduled within ¼ mile of the development to satisfy the parking demand it generates.
- c. The developer shall pay an in-lieu fee before (Insert final plan approval step) for the development.
- d. The municipality shall deposit the fee into an account designated for the provision of parking spaces through a municipal parking program and shall spend it within a reasonable time period only towards provision of public parking spaces that reasonably accommodate the parking demand generated by the development. Municipal costs for which in-lieu fees may be spent include, but are not limited to, the cost of land, leases, rights, easements and franchises; financing charges; interest paid before and during construction; cost of plans and specifications; cost of engineering and legal services and other expenses necessary or incidental for determining the feasibility or practicability of construction, reconstruction or use; cost of all labor and materials; and administrative expenses and such other expenses as may be necessary or incidental to the provision of public parking spaces.
- e. The (Insert name of municipal governing body) may, by resolution, accept an interest in land instead of accepting all or a portion of an in-lieu parking fee on determining that land would be used in connection with the provision of public parking through the municipal parking program and the value of the land equals or exceeds the in-lieu parking fee that would otherwise be required. In making its determinations, the (Insert name of

municipal governing body) may consider the size of the land, the feasibility of constructing a parking facility on the land, and the land's proximity to parking demands identified and addressed by the municipal parking program.

*Commentary: If a community is to make an effective commitment to transit-oriented development, it should take more control over the provision of parking in the TOD District. This section provides a way whereby a development contributes to meeting the parking demand it creates, but the municipality determines where and how the needed parking will be provided. It is important that the community make sure the parking for which in-lieu payments are made is in place by the time the paying development is occupied.*

#### **1.6.4. BUILDING DESIGN STANDARDS**

*Commentary: These building design standards are intended to promote those streetscape characteristics that are conducive to the active pedestrian environment so important to the success of a TOD district. They will need to be tailored to reflect the TOD District's context relative to the community as a whole, the existing neighborhoods and development that surround the district, and the existing and desired character of development within the district.*

##### **A. Purpose**

The standards in this section are intended to ensure that the layout, massing, form, and detailing of new buildings in the TOD District contribute to the creation and maintenance of street frontages that help distinguish public and private spaces, help direct people to and from the transit station, and are pedestrian-friendly, human-scale, visually attractive, and compatible with other buildings in the district and surrounding development,

##### **B. Configuration of Buildings**

Buildings shall be configured in relation to the site other buildings so that building walls frame and enclose at least two of the following:

1. The corners of street intersections or entry points into the development;
2. A "main street" pedestrian and/or vehicle access corridor within the development site;
3. Parking areas, public spaces, or other site amenities on at least three sides; or
4. A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.

*Commentary: These menu-based standards are intended to foster building design that helps create the public spaces and corridors that define the TOD District.*

##### **C. Building Massing and Form**

If the street-facing facade of a building is more than 40 feet wide, the perceived mass and scale of the building shall be reduced by incorporating at least three of the following design elements that are consistent with the development's architectural character and create distinctive variations in the facade spaced no more than 40 feet apart:

1. Variations in roof form and parapet heights;
2. Pronounced (as least one foot deep) recesses and/or projections in the wall plane;
3. Distinct changes in texture and/or color of wall surfaces;
4. Pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the facade's height;
5. Ground level arcades, awnings, or similar overhangs;
6. Second floor galleries/balconies;
7. Cornices;
8. Projected and recessed entries;
9. Vertical accents or focal points; or
10. Enhanced window treatments.

*Commentary: These are basic menu-based standards intended to ensure a minimum degree of articulation and variability along street-facing building facades.*



**D. Building Entrances**

1. Where the street-level facade of a principal building abuts or faces a pedestrian street frontage, at least one operable pedestrian entrance providing both ingress and egress shall be provided for every 75 feet, or major fraction thereof, along the building facade. An angled entrance at the corner of the building may count toward satisfying this requirement.
2. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space at least 25 wide.
3. These required pedestrian entrances shall open directly to the outside with direct pedestrian access to a the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the pedestrian street frontage.
4. At least 50 percent of the area of a required pedestrian entrance shall be comprised of transparent material.
5. All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, lintels, pediments, pilasters, awnings, canopies, porches, or other additional architectural elements.



*Commentary: These standards are intended to ensure interaction between sidewalk pedestrians and the uses in adjacent buildings.*

**E. Windows/Doors/ Transparency**

1. Where the street-level facade of a building other than a single-family or duplex dwelling abuts or faces a pedestrian street frontage, or faces a transit station or a public gathering space, a minimum percentage of the facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians. Minimum percentages vary by location, as follows:

Table ____: Minimum Building Facade Transparency Requirements	
Abutting or facing a pedestrian street frontage	50%
Facing a transit station	35%
Facing a public gathering space	35%

2. Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.2.

*Commentary: Transparent facades along pedestrian-oriented street frontage are needed to encourage interaction between sidewalk pedestrians and the uses behind the facades.*



**F. Parking Structures**

1. Where the street-level facade of a parking structure fronts or faces a pedestrian street frontage, at least 60 percent of the length of such street-level facade shall contain retail sales and service uses, service-oriented office uses, or entertainment uses to a depth of 30 feet to provide visual interest and create pedestrian activity at the street level. The (Insert title of appropriate administrative official) may approve alternative space arrangements designed to achieve this purpose if the site lacks sufficient depth to accommodate both a parking structure and usable retail and office space at the ground-floor level.
2. Facades of parking structures that front or face a pedestrian street frontage and do not contain retail sales and service uses, service-oriented office uses, or entertainment uses shall be articulated through use of at least three of the following features;
  - a. Windows or window-shaped openings;
  - b. Masonry columns;
  - c. Decorative wall insets or projections;
  - d. Awnings;
  - e. Changes in color or texture of exterior materials;
  - f. Integrated vegetation (hanging or along trellises); or other features approved by the (Insert title of appropriate administrative official).





*Commentary: This standard is intended to accommodate parking structures as a preferable alternative to surface parking lots, but ensure that they do not disrupt the pedestrian-friendly environment along a pedestrian street frontage or adversely affect the visual attractiveness of the district.*

**1.6.5. OUTDOOR GATHERING SPACES AND COMMUNITY AMENITIES**

- A. At least 25 percent of the required open space shall be devoted to outdoor gathering space (e.g., plaza, square, courtyard, rooftop or community garden) that are accessible to the public.
- B. Required outdoor gathering space shall be located adjacent to and/or be integrated with any transit stops existing or planned within or adjoining the site. If no transit station exists or is planned within or adjoining the development site, required outdoor gathering space shall be located in any area of high pedestrian activity—i.e., an area adjacent to land uses or activities that attract or involve high volumes of pedestrians, such as “Main Street” shopping areas, neighborhood commercial areas, tourist destinations, colleges and universities, hospitals, schools, parks, senior centers, and youth centers.
- C. Required outdoor gathering space shall be furnished with at least three of the following community amenities:
  - 1. Benches or seating areas;
  - 2. Raised landscape planters;
  - 3. Shade structures;
  - 4. Public art (e.g., sculptures, murals, water elements, carvings, frescos, mosaics, mobiles);
  - 5. Decorative shelters for transit riders (as approved by the municipality); or
  - 6. Similar features approved by the municipality.

*Commentary: To be a vibrant activity center, a TOD district must foster social interaction among the people who live, work, and visit the district. The provision of outdoor gathering spaces and other community amenities are thus as essential an element of transit-oriented development as landscaping and parking. These standards call for district development to contribute such gathering space and community amenities.*

**1.6.6. STREET TREES**

**A. Purpose**

Street trees are intended to enhance the aesthetic and environmental benefits of the TOD District streetscape environment by serving as a unifying element for street corridors (particularly those leading to and from the transit station), shading streets and sidewalks, and otherwise enhancing the appearance and livability of the TOD District.

**B. Required**

All new development shall provide street trees along the development’s frontage along any pedestrian street frontage.

**C. Location**

Street trees shall be provided within a planting strip in the street right-of-way that is located between the roadway and the property line and is at least six feet wide. Where such a planting strip does not exist or is impractical to provide, the (Insert title of appropriate administrative official) may allow street trees to be provided within tree pits that are at least 25 square feet in area and located adjacent to the back of the curb, or within an adjoining landscaped area on the development site.

**D. Configuration**

1. Street trees shall be shade trees of species and varieties appropriate to the intended functions of street trees and their location next to roadways and sidewalks.
2. One street tree shall be provided for every 50 feet of frontage, or major fraction thereof, and the street trees shall be spaced between 40 and 60 feet apart.
3. Where possible, small and medium trees shall be planted between large trees to accommodate the canopy growth of large trees over time.
4. Where necessary to accommodate utility lines, planned street widening, and streetscape improvements, the (Insert title of appropriate administrative official) may allow variations in the spacing or location of required street trees or allow understory trees be substituted for required street trees.

*Commentary: These provisions reflect the important role street trees have in making a street frontage pedestrian-friendly—in terms of moderating the immediate climate, providing separation from the vehicular roadway, and defining the streetscape as one of a “complete street.”*

**1.6.7. RELATIONSHIP TO SURROUNDING DEVELOPMENT**

**A. Purpose**

The standards in this section are intended to ensure that the height, mass, and form of new development along the edges of the TOD District do not adversely impact the character of surrounding established single- or two-family residential neighborhoods or the quality of life of their residents.

**B. Transitional Standards**

Where new mixed-use, multifamily, or nonresidential development—or any expansion of existing mixed-use, multifamily, or nonresidential development that would increase the development’s gross floor area by 50 percent or more—is proposed a site abutting or across a local street or alley from land containing a single- or two-family dwelling or vacant land zoned primarily for single- or two-family dwelling (Insert names of appropriate zoning districts) , the development shall comply with the following standards.

1. For multi-building development that includes varying use and/or development intensities in different buildings, buildings with the least intense use and/or development intensity shall be located nearest to the adjacent single- or two-family dwellings or zoning and buildings with the most intense use and/or

development intensity shall be located away from the adjacent single- or two-family dwellings or zoning.

2. Any portion of a structure greater than 40 feet in height shall be set back from the lot containing or zoned for single- or two-family dwellings by a distance equal to the setback required for the structure by applicable TOD District standards plus one foot for each foot of height over 40 feet, up to a maximum additional distance equal to one-half the height of the structure.
3. Porches, balconies, and outdoor activity areas shall be oriented away from the adjacent single- or two-family dwellings or zoning.
4. Off-street parking shall be located away from the adjacent single- or two-family dwellings or zoning and screened from view from such dwellings or zoning.
5. Loading and service areas shall be located away from the adjacent single- or two-family dwellings or zoning, and integrated into the design of the buildings they serve or otherwise screened from view from the adjacent single- or two-family dwellings or zoning.
6. Exterior lighting shall be limited to full-cutoff shielded fixtures that direct light away from the adjacent single- or two-family dwellings or zoning.
7. Mechanical equipment capable of producing noise audible to the adjacent single- or two-family dwellings or zoning (e.g., heating and air conditioning units) shall be located away from such dwellings or zoning and or enclosed or screened to minimize transmission of the noise towards them.

*Commentary: Where a TOD District with mixed-use and higher intensity development is located next to or across the street from established low-intensity neighborhoods of single- or two-family homes, residents and owners of those homes may see TOD development as a threat. These standards are intended to ensure new TOD development is compatible with the adjacent single- or two-family neighborhood and mitigate potential opposition by neighborhood residents and property owners.*

## DEFINITIONS

These are definitions relating to these mixed-use, transit-oriented development districts, which should be located with the code's other definitions.

### Accessory Dwelling Unit

*See definition in CRCOG's Draft Model Regulations: Housing Diversity and Affordability – Accessory Dwelling Units.*

### Block Face

Properties abutting one side of a street or public right-of-way and lying between the two nearest intersecting streets or rights-of-way, or intersecting right-of-way and railroad right-of-way, unsubdivided land, water course or municipal boundary.

### Build-To Line

The minimum and maximum allowable setback of a building from the abutting street.

**Build-To Zone**

The area between the minimum and maximum build-to lines.

**Community Garden**

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, or family.

**Cornice**

The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or a portion of a building.

**Cross-Access**

Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street. Cross-access may also refer to bicycle and pedestrian access.

**Density**

The total number of dwelling units (excluding accessory dwelling units) located or proposed on a lot divided by the lot area as expressed in acres).

**Drive-Through Service Facility**

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, specialty eating or drinking establishments, and drug stores.

**Electric Vehicle Charging Station**

A vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A Level 1 charging station is a slow charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit. A Level 2 charging station is a medium charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current (AC) circuit. A Level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast or rapid charging.

**Farmers' Market**

A public market held in a structure or open area, where farmers sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market may be a principal use, occurring regularly for all or most of the year, or a temporary use, occurring only occasionally or periodically for only a limited time period during the year.

**Floor Area Ratio (FAR)**

The gross floor area devoted to nonresidential and non-dwelling uses on all floors of all buildings located or proposed on a lot by the lot area.

**Floor Area (Gross Floor Area)**

The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles (e.g., garage) or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**Food Truck**

A licensed, motorized vehicle or mobile food unit in which food or a beverage is cooked, prepared, and served for individual portion service to the general public.

**Height**

The vertical distance between the average elevation of the existing or proposed finished grade at the front of a structure to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridge of a gable, hip, cone, gambrel, or shed roof.

**Home-Based Business**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot.

**Infill**

*See definition on CRCOG's Draft Model Regulations: Tailored Standards for Infill Development.*

**Live-Work Unit**

A structure or portion of a structure combining a residential dwelling unit for one or more persons with an integrated work space principally used by one or more of the dwelling unit residents.

**Lot Area**

The amount of horizontal land area contained within the lot lines of a lot or site.

**Lot Coverage**

The amount of horizontal land area contained within the lot lines of a lot or site.

**Lot Width**

The mean horizontal distance between the side lot lines of a lot, or for corner lots, between a corner side lot line and the opposite side lot line, as measured along a line delineating the minimum front yard setback.

### **Mixed-Use Development**

Development containing two or more principal uses from different use classifications (Residential, Public and Institutional, Commercial, or Industrial) or from two or more significantly different use categories within the same use classification (e.g., offices and retail sales and services), where the uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access. An example of a vertically integrated mixed-use development might be a building with retail sales and serve uses at ground level, offices (including institutional offices) on second and third floors, and multifamily residential dwelling units on upper floors. An example of a horizontally integrated mixed-use development might be an office/industrial park containing office buildings side-by side with buildings housing light industrial or industrial support uses.

### **Non-Service-Oriented Offices**

Office uses with little to no walk-in business, or whose day-to-day clientele is not the general public.

### **Parapet**

That portion of a façade wall that extends above the roof line.

### **Parking Structure**

A structure, or a portion of a structure, composed of one or more levels or floors used exclusively for the temporary storage of motor vehicles. A parking structure may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A parking structure may be a principal use of a lot or accessory to the principal use of the lot.

### **Pedestrian Clear Zone**

A zone in the public right-of-way that is hardscaped and unobstructed by any permanent or nonpermanent object for a minimum width of six feet and a minimum height of eight feet.

### **Pedestrian Street Frontage**

See Section 1.3, Pedestrian Street Frontages.

### **Pilaster**

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

### **Service-Oriented Offices**

Office uses with a substantial degree of walk-in business, or whose day-to-day clientele is the general public.

### **Setback**

The shortest horizontal distance from a lot line of a lot to the nearest point of a structure on the lot. Front, side, corner side, and rear setbacks are measured from the front, side, corner side, and rear lot lines, respectively.



### **Shopping Center**

A building or a group of connected or freestanding buildings under single or multiple ownership that contains retail goods and service uses serving the needs of a neighborhood, community, or regional customer base. A shopping center is designed, constructed, and operated on an integral and coordinated basis, with common parking, pedestrian movement, and ingress and egress.

### **Solar Collection System, Small**

*See definition in CRCOG's Draft Model Regulations: Alternative Energy.*

### **Street Vendor**

Any person or persons selling or offering for sale products on a street, sidewalk, or alley.

### **Subdistrict**

See Section 1.2, Subdistricts.

### **Tandem Parking**

An arrangement of vehicle parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

### **Visible Light Reflectance (VLR)**

The percentage of total visible light that is reflected by glass or other glazing system to the outside of a building. The lower the number, the less visible light reflected.

### **Visible Light Transmittance (VLT)**

The percentage of total visible light that is transmitted through glass or other glazing system from the outside of a building. The lower the number, the less visible light transmitted.

### **Walkway**

Any improved pedestrian accessway that is separate from vehicular accessways and traffic. Walkways include sidewalks alongside streets and off-street paved walkways and graded trails with durable surfacing.

### **Wind Energy System, Small**

*See definition in CRCOG's Draft Model Regulations: Alternative Energy.*

## Standards for Urban TOD Districts

*The following variations of certain standards set out above are intended to reflect the more intense uses and higher intensity development appropriate in TOD districts in urban settings.*

### 1.4 USE STANDARDS

#### 1.4.1. PRINCIPAL USES

##### A. Principal Use Table

Table 1.4.1.A: Allowed Principal Uses				
P = Allowed by Right		S = Allowed only with Special Use Permit		X = Prohibited
Use Category	Use Type	TOD-Core	TOD-Ring	Use-Specific Standards
<b>Mixed-Use Development</b>				
Mixed-use development	Live-work unit	P	P	
	Other residential over nonresidential	P	P	
	Other mixed-use development	P	P	
<b>Residential Uses</b>				
Household Living Uses	Single-family dwelling	X	P	
	Two-family dwelling	X	P	
	Three- or four-family dwelling	X	P	
	Multifamily development	P	P	
	Townhouse development	P	P	
Group Living Uses	Group living	P	P	
<b>Public and Institutional Uses</b>				
Community Service Uses	Adult day care facility	P	P	
	Child day care facility	P	P	
	Community center	P	P	
	Library	P	P	
	Museum	P	P	
Educational Uses	Business/trade/vocational school	P	P	
	College/university	P	P	
	Elementary/ middle/high school	P	P	
Government Uses	Courthouse	P	P	
	Fire/EMS station	P	P	
	Police station	P	P	
	Government maintenance facility	X	X	
	Government administration offices	P	P	
	Post office	P	P	
Medical uses	Hospital	P	P	
	Other medical facility	P	P	
Open Space Uses	Cemetery	X	X	
	Community garden	X	P	
	Park or greenway	P	P	
	Public square or plaza	P	P	
Transportation uses	Transit station	P	P	
	Park-and-ride facility	S	X	
Utility uses	Major utility facility	X	X	
	Minor utility facility	P	P	
	Telecommunication tower	X	S	
Other Public and Institutional Uses	Club/lodge	P	P	
	Place of worship	P	P	

**MIXED-USE TRANSIT-ORIENTED  
DEVELOPMENT DISTRICTS**

<b>Table 1.4.1.A: Allowed Principal Uses</b>				
<b>P = Allowed by Right    S = Allowed only with Special Use Permit    X = Prohibited</b>				
<b>Use Category</b>	<b>Use Type</b>	<b>TOD-Core</b>	<b>TOD-Ring</b>	<b>Use-Specific Standards</b>
<b>Commercial Uses</b>				
Animal Care Services	Kennel	X	P	
	Veterinary clinic	P	P	
Eating/Drinking Establishments	Bar/lounge	P	P	
	Restaurant	P	P	
	Specialty eating/drinking establishment	P	P	
Entertainment/ Recreation Uses	Cinema	P	P	
	Arena/stadium	P	S	
	Auditorium/stage theater	P	P	
	Commercial recreation facility	Indoor	P	
		Outdoor	X	
	Country club/golf course	X	X	
Office Uses	Non-service-oriented offices	P	P	
	Service-oriented offices	P	P	
Retail Sales and Service Uses	Bank or financial institution	P	P	
	Funeral home	P	P	
	Lawn care, pool, or pest control service	X	X	
	Personal services establishment	P	P	
	Plant nursery	X	S	
	Shopping center	GFA ≤ 150,000 sf	P	
		GFA > 150,000 ≤ 400,000 sf	P	
		GFA > 400,000 ≤ 800,000 sf	P	
		GFA > 800,000 sf	P	
	Other retail sales and service use	GFA ≤ 50,000 sf	P	
		GFA > 50,000 ≤ 100,000 sf	X	
		GFA > 100,000 sf	X	
Sexually Oriented Business				
Vehicle/ Equipment Sales and Service Uses	Automotive painting or body shop	X	S	
	Automotive repair and service	X	S	
	Automotive sales or rental	X	X	
	Car wash	X	S	
	Gas station	X	S	
	Parking lot (as a principal use)	P	P	
	Parking structure (as a principal use)	P	P	
	Self-service storage facility	X	S	
	Taxi or limousine service facility	P	P	
	Tire sales and mounting	X	X	
	Truck/recreational vehicle sales, rental, or service	X	X	
Visitor Accommodation Uses	Bed and breakfast inn	X	P	
	Hotel or motel	P	P	
<b>Industrial Uses</b>				
Industrial Service Uses		X	X	
Manufacturing and Production Uses		X	X	
Warehousing and Freight Movement Uses		X	X	
Waste-Related Uses		X	X	
Wholesale trade uses		X	X	

## 1.5 INTENSITY AND DIMENSIONAL STANDARDS

### 1.5.1. TABLE OF INTENSITY AND DIMENSIONAL STANDARDS<sup>24</sup>

1.6 Table 1.5.1: Intensity and Dimensional Standards			
Subdistrict:	TOD-Core	TOD-Ring	
Use:	All Uses	Nonresidential & Mixed-Use	Residential
<b>Block and Lot Standards</b>			
Block length (min   max)	200 ft   400 ft	400 ft   800 ft	400 ft   800 ft
Lot area (min)	1,500 sf	3,000 sf	5,000 sf <sup>1</sup>
Lot Width (min)	20 ft	30 ft	50 ft <sup>2</sup>
<b>Intensity</b>			
Residential density (min   max) <sup>3</sup>	20du/ac   40du/ac	n/a	10du/ac   20du/ac
Floor area ratio (min   max) <sup>4</sup>	1.75   6.0	0.75   3.0	n/a
Lot coverage (min   max)	60%   100%	40%   85%	n/a   70%
Open space (min, as % of lot area) <sup>5</sup>	n/a	15%	20%
<b>Building Placement</b>			
Build-to line (min   max) <sup>6</sup>	0 ft/5 ft	0/12 ft	0/20 ft
Building width in build-to zone (min, as % of lot width)	80% <sup>7</sup>	70% <sup>7</sup>	50% <sup>7</sup>
Front setback (min) <sup>8</sup>	0 ft	0 ft	10 ft
Side setback (min)	0 ft	0 ft	5 ft <sup>9</sup>
Corner side setback (min)	0 ft	0 ft	0 ft
Rear setback (min)	0 ft	0	5 ft
<b>Height</b>			
Structure height (min   max) <sup>10</sup>	3 stories   n/a	2 story   6 stories	2story   4 stories
	35 ft   n/a	25 ft   75 ft	25 ft   60 ft
NOTES: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable 1. 1,500 square feet for townhouse lots. 2. 20 feet for townhouse lots. 3. Applicable to residential-only development. 4. Applicable to nonresidential developments and mixed-use developments (including their residential components). 5. Open space may be located on rooftops and on decks or porches as well as in ground-level plazas, courtyards, lawns, and gardens. 6. Applicable only along pedestrian street frontages. 7. The remaining build-to zone street frontage may be occupied by outdoor gathering spaces, driveways, pedestrian walkways, or surface parking located to the sides of buildings. 8. Applicable only along street frontages other than pedestrian street frontages. 9. Not applicable to townhouse lots except where abutting a lot containing or designed for a single- or two-family dwelling. 10. Both story and feet standards apply. Maximum height in the TOD core will need to be tailored to the context of each community.			

<sup>24</sup> As with the base intensity and dimensional standards, these standards—particularly maximum height standards for the TOD-Core Subdistrict—will need to be tailored to the context in each community.

## 1.6 DEVELOPMENT AND DESIGN STANDARDS

### 1.6.3. OFF-STREET PARKING

#### A. Vehicle Parking

##### 1. Reduced Minimum Vehicle Parking Space Standards

- a. The minimum required number of off-street vehicle parking spaces shall be 60 percent of the minimum requirements in (Insert cross-reference to generally applicable parking space requirements) for development in the TOD-Core Subdistrict, and 80 percent of such minimum requirements for development in the TOD-Ring Subdistrict.
- b. The (Insert title of appropriate administrative official) may approve a proposal to further reduce number of off-street vehicle parking spaces required for a development, provided the development application includes a study demonstrating that because of the development's specific location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum specified in section a above.

*Commentary: These percentages are less (i.e., the reductions are more) than those suggested for suburban TODS. They are more in line with the degree of reduction indicated as appropriate in the previously noted parking studies for urban TODs, which contain higher development intensities and a greater mix of uses.*

## Standards for Rural TOD Districts

*The following variations of certain standards set out above are intended to reflect the less intense uses and lower intensity development appropriate in TOD districts in rural settings.*

### 1.4 USE STANDARDS

#### 1.4.1. PRINCIPAL USES

##### A. Principal Use Table

Table 1.4.1.A: Allowed Principal Uses				
P = Allowed by Right S = Allowed only with Special Use Permit X = Prohibited				
Use Category	Use Type	TOD-Core	TOD-Ring	Use-Specific Standards
<b>Mixed-Use Development</b>				
Mixed-use development	Live-work unit	P	P	
	Other residential over nonresidential	P	P	
	Other mixed-use development	P	P	
<b>Residential Uses</b>				
Household Living Uses	Single-family dwelling	X	P	
	Two-family dwelling	X	P	
	Three- or four-family dwelling	X	P	
	Multifamily development	P	P	
	Townhouse development	P	P	
Group Living Uses	Group living	P	P	
<b>Public and Institutional Uses</b>				
Community Service Uses	Adult day care facility	P	P	
	Child day care facility	P	P	
	Community center	P	P	
	Library	P	P	
	Museum	P	P	
Educational Uses	Business/trade/vocational school	P	P	
	College/university	P	P	
	Elementary/ middle/high school	P	P	
Government Uses	Courthouse	P	P	
	Fire/EMS station	P	P	
	Police station	P	P	
	Government maintenance facility	X	X	
	Government administration offices	P	P	
	Post office	P	P	
Medical uses	Hospital	S	P	
	Other medical facility	P	P	
Open Space Uses	Cemetery	X	X	
	Community garden	X	P	
	Park or greenway	P	P	
	Public square or plaza	P	P	
Transportation uses	Transit station	P	P	
	Park-and-ride facility	S	X	
Utility uses	Major utility facility	X	X	
	Minor utility facility	P	P	
	Telecommunication tower	X	S	
Other Public and Institutional Uses	Club/lodge	P	P	
	Place of worship	P	P	



**MIXED-USE TRANSIT-ORIENTED  
DEVELOPMENT DISTRICTS**

Table 1.4.1.A: Allowed Principal Uses				
P = Allowed by Right S = Allowed only with Special Use Permit X = Prohibited				
Use Category	Use Type	TOD-Core	TOD-Ring	Use-Specific Standards
<b>Commercial Uses</b>				
Animal Care Services	Kennel	X	P	
	Veterinary clinic	S	P	
Eating/Drinking Establishments	Bar/lounge	P	P	
	Restaurant	P	P	
	Specialty eating/drinking establishment	P	P	
Entertainment/ Recreation Uses	Cinema	P	P	
	Arena/stadium	S	S	
	Auditorium/stage theater	P	P	
	Commercial recreation facility	Indoor	P	
		Outdoor	X	S
	Country club/golf course	X	X	
Office Uses	Non-service-oriented offices	P	P	
	Service-oriented offices	P	P	
Retail Sales and Service Uses	Bank or financial institution	P	P	
	Funeral home	X	P	
	Lawn care, pool, or pest control service	X	X	
	Personal services establishment	P	P	
	Plant nursery	X	S	
	Shopping center	GFA ≤ 150,000 sf	P	P
		GFA > 150,000 ≤ 400,000 sf	P	P
		GFA > 400,000 ≤ 800,000 sf	X	X
		GFA > 800,000 sf	X	X
	Other retail sales and service use	GFA ≤ 50,000 sf	P	P
		GFA > 50,000 ≤ 100,000 sf	X	S
		GFA > 100,000 sf	X	X
Sexually Oriented Businesses				
Vehicle/ Equipment Sales and Service Uses	Automotive painting or body shop	X	S	
	Automotive repair and service	X	S	
	Automotive sales or rental	X	S	
	Car wash	X	S	
	Gas station	X	S	
	Parking lot (as a principal use)	S	P	
	Parking structure (as a principal use)	P	P	
	Self-service storage facility	X	S	
	Taxi or limousine service facility	P	P	
	Tire sales and mounting	X	S	
	Truck/recreational vehicle sales, rental, or service	X	X	
Visitor Accommodation Uses	Bed and breakfast inn	X	P	
	Hotel or motel	P	P	
<b>Industrial Uses</b>				
Industrial Service Uses		X	X	
Manufacturing and Production Uses		X	X	
Warehousing and Freight Movement Uses		X	X	
Waste-Related Uses		X	X	
Wholesale trade uses		X	X	

## 1.5 INTENSITY AND DIMENSIONAL STANDARDS

### 1.5.1. TABLE OF INTENSITY AND DIMENSIONAL STANDARDS

Table 1.5.1: Intensity and Dimensional Standards			
Subdistrict:	TOD-Core	TOD-Ring	
Use:	All Uses	Nonresidential & Mixed-Use	Residential
<b>Block and Lot Standards</b>			
Block length (min   max)	200 ft   400 ft	400 ft   800 ft	400 ft   800 ft
Lot area (min)	1,500 sf	3,000 sf	5,000 sf <sup>1</sup>
Lot width (min)	20 ft	30 ft	50 ft <sup>2</sup>
<b>Intensity</b>			
Residential density (min   max) <sup>3</sup>	7.5du/ac   15du/ac	n/a	5du/ac   10du/ac
Floor area ratio (FAR) (min   max) <sup>4</sup>	0.5   3.0	0.5   2.0	n/a
Lot coverage (min   max)	60%   100%	40%   85%	n/a   70%
Open space (min, as % of lot area) <sup>5</sup>	5%	15%	20%
<b>Building Placement</b>			
Build-to line (min   max) <sup>6</sup>	0 ft/15 ft	0/20 ft	0/20 ft
Building width in build-to zone (min, as % of lot width)	80% <sup>7</sup>	70% <sup>7</sup>	50% <sup>7</sup>
Front setback (min) <sup>8</sup>	0 ft	0 ft	10 ft
Side setback (min)	0 ft	0 ft	5 ft <sup>9</sup>
Corner side setback (min)	0 ft	0 ft	0 ft
Rear setback (min)	0 ft	0	5 ft
<b>Height</b>			
Structure height (min   max) <sup>10</sup>	2 stories   4 stories	1 story   3 stories	1 story   3 stories
	25 ft   60 ft	15 ft   50 ft	15 ft   50 ft
NOTES: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable 1. 1,500 square feet for townhouse lots. 2. 20 feet for townhouse lots. 3. Applicable to residential-only development. 4. Applicable to nonresidential developments and mixed-use developments (including their residential components). 5. Open space may be located on rooftops and on decks or porches as well as in ground-level plazas, courtyards, lawns, and gardens. 6. Applicable only along pedestrian street frontages. 7. The remaining build-to zone street frontage may be occupied by outdoor gathering spaces, driveways, pedestrian walkways, or surface parking located to the sides of buildings. 8. Applicable only along street frontages other than pedestrian street frontages. 9. Not applicable to townhouse lots except where abutting a lot containing or designed for a single- or two-family dwelling. 10. Both story and feet standards apply.			

## 1.6 DEVELOPMENT AND DESIGN STANDARDS

### 1.6.3. OFF-STREET PARKING

#### A. Vehicle Parking

##### 1. Reduced Minimum Vehicle Parking Space Standards

- a. The minimum required number of off-street vehicle parking spaces shall be 80 percent of the minimum requirements in (Insert cross-reference to generally applicable parking space requirements) for development in the TOD-Core Subdistrict, and 90 percent of such minimum requirements for development in the TOD-Ring Subdistrict.
- b. The (Insert title of appropriate administrative official) may approve a proposal to further reduce number of off-street vehicle parking spaces required for a development, provided the development application includes a study demonstrating that because of the development's specific location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum specified in section a above.

*Commentary: These percentages are more (i.e., the reductions are less) than those suggested for suburban TODS based on the assumption that rural TODs contain lower development intensities and a lesser mix of uses, and are more auto-oriented.*

## Transitional TOD District Standards

*Commentary: In some communities, a transit station may be planned at a particular location, but is not expected to be constructed and operational for a number of years. If the community establishes a TOD District around the future station site and authorizes the higher development intensities necessary to create a transit-supportive activity center around it, such intensities may overburden the current road network, which is designed to accommodate automobile traffic. But if the community's development regulations limit development intensities around the station site to those can be accommodated by the current road network, by the time the station is built, it may be surrounded by development that is not insensitive enough to support transit and that is designed in a way that makes redevelopment difficult.*

*One way to address this problem is have a TOD District with "before transit" and "after transit" standards. A TOD District is established as soon as the station site is determined, but until the station becomes operational, the district is allowed to develop as a mixed-use activity center with intensities generating traffic levels that can be accommodated by the current road network. TOD District development would be subject to the same somewhat reduced parking standards applicable in other mixed-use districts (which are based on reduced demand due to the mixing of uses), and to lot coverage and build-to occupancy standards that allow sufficient lot area to accommodate such parking.*

*When transit becomes available to the station, however, the demand for parking is reduced further and lot area devoted to surface parking becomes available for additional building space (to accommodate residential and commercial market growth brought the availability of transit). Thus density, FAR, and lot coverage thresholds rise and the minimum build-to zone occupancy requirement rises. Because adding floors to an existing building is often impractical, structure height standards are set at their ultimate intended level. To facilitate this transition to higher-intensity development, Section 1.2.4 requires applications for district development to include a transition plan showing how proposed surface parking lots will be replaced by buildings after transit becomes available.*

### 1.5 INTENSITY AND DIMENSIONAL STANDARDS

#### 1.5.1. TABLE OF INTENSITY AND DIMENSIONAL STANDARDS

**Table 1.5: Intensity and Dimensional Standards**

	TOD-Core Subdistrict		TOD-Ring Subdistrict	
	Before Transit <sup>1</sup>	After Transit <sup>1</sup>	Before Transit <sup>1</sup>	After Transit <sup>1</sup>
<b>Block and Lot Standards</b>				
Block length (min max)	200 ft   400 ft	200 ft   400 ft	400 ft   800 ft	400 ft   800 ft
Lot area (min)	1,500 sf	1,500 sf	3,000 sf <sup>2</sup>	3,000 sf <sup>2</sup>
Lot width (min)	20 ft	20 ft	30 ft <sup>3</sup>	30 ft
<b>Intensity</b>				
Residential density (min max) <sup>4</sup>	5du/ac   15du/ac	15du/ac   35 du/ac	4du/ac   10du/ac	7.5du/ac   17du/ac
Floor area ratio (min max) <sup>5</sup>	0.5   2.5	0.75   4.0	n/a   1.5	0.5   2.5
Lot coverage (min max)	n/a   65%	60%   100%	n/a   85%	n/a   85%
Open space (min, as % of lot area) <sup>6</sup>	5%	5%	15%	15%
<b>Building Placement</b>				
Build-to line (min max) <sup>7</sup>	0 ft   12ft	0 ft   12 ft	0 ft   20 ft	0 ft   20 ft
Building width in build-to zone (min, as % of lot width)	60% <sup>8</sup>	80% <sup>8</sup>	70% <sup>8</sup>	70% <sup>8</sup>
Front setback (min) <sup>9</sup>	0 ft	0 ft	0 ft	0 ft
Side setback (min)	0 ft	0 ft	0 ft <sup>10</sup>	0 ft <sup>10</sup>

**Table 1.5: Intensity and Dimensional Standards**

	TOD-Core Subdistrict		TOD-Ring Subdistrict	
	Before Transit <sup>1</sup>	After Transit <sup>1</sup>	Before Transit <sup>1</sup>	After Transit <sup>1</sup>
Corner side setback (min)	0 ft	0 ft	0 ft	0 ft
Rear setback (min)	0 ft	0 ft	0 ft	0 ft
<b>Height</b>				
Structure height (min   max) <sup>11</sup>	2 stories   6 stories	2 stories   6 stories	1 story   4 stories	1 story   4 stories
	25 ft   75 ft	25 ft   75 ft	15 ft   60 ft	15 ft   60 ft

**NOTES:** sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. “Before Transit” standards apply before rail transit is fully operational at the rail station; “After Transit” standards apply thereafter (see Section 1.2.6).

2. 1,500 square feet for townhouse lots.

3. 20 feet for townhouse lots.

4. Applicable to residential-only development.

5. Applicable to nonresidential developments and mixed-use developments (including their residential components).

6. Open space may be located on rooftops and on decks or porches as well as in ground-level plazas, courtyards, lawns, and gardens.

7. Applicable only along pedestrian street frontages.

8. The remaining build-to zone street frontage may be occupied by outdoor gathering spaces, driveways, pedestrian walkways, or surface parking located to the sides of buildings.

9. Applicable only along street frontages other than pedestrian street frontages.

10. Not applicable to townhouse lots except where abutting a lot containing or designed for a single-family detached or duplex dwelling.

11. Both story and feet standards apply.

### 1.5.2. “BEFORE TRANSIT” AND “AFTER TRANSIT” STANDARDS

- A. Table 1.5, Intensity and Dimensional Standards, establishes separate intensity and dimensional standards for “Before Transit” and “After Transit.” The “Before Transit” standards shall apply to proposed development that the (Insert title of appropriate administrative official) determines will be completed and occupied before the transit station associated with the district is constructed and providing transit service. The “After Transit” standards shall apply to proposed development that the (Insert title of appropriate administrative official) determines will be completed and occupied after the transit station is constructed and providing transit service.
- B. If an application proposes new development that is subject to the “Before Transit” standards and includes surface parking areas to the side of the development’s principal building(s), the application shall include a transition plan showing how such parking might be replaced in the future by additional building space allowed under the “After Transit” standards.

## 1.6 DEVELOPMENT AND DESIGN STANDARDS

### 1.6.3. OFF-STREET PARKING

#### A. Vehicle Parking

#### 1. Reduced Minimum Vehicle Parking Space Standards

- a. The minimum number of off-street vehicle parking spaces required after the associated transit station has been constructed and is providing transit service (“After Transit”) shall be \_\_ percent of the minimum requirements in (Insert cross-reference to generally applicable parking space

requirements) for development in the TOD-Core Subdistrict, and \_\_\_ percent of such minimum requirements for development in the TOD-Ring Subdistrict. Until then, the general requirements in (Insert cross-reference to generally applicable parking space requirements) shall govern.

*Commentary: The last sentence is added to the base provision to indicate that the reduced parking requirements for TOD development will not kick in until transit service is available. The percentages should be those previously indicated for suburban, urban, or rural TODs, as appropriate.*

### **3. Off-Street Parking Arrangement and Design**

#### **a. Location**

- i. In the TOD-Core Subdistrict and along any pedestrian street frontage in the TOD-Ring Subdistrict, all proposed new or additional surface vehicle parking shall be located to the rear of the development's principal building(s) or in a parking structure "wrapped" with retail, office, or residential uses in accordance with Section 1.6.4.F, Parking Structures—except that surface parking may be located to the side of the development's principal building(s) if the district's "Before Transit" standards apply (see Section 1.5.1). In accordance with Section 1.5.2.B, an application proposing new development with surface parking to the side of the development's principal building(s) may be required to include a transition plan showing how such parking might be replaced in the future by additional building space allowed by the district's "After Transit" standards.

*Commentary: This modifies the base provision to allow surface parking to the side of a building before transit service is available to the TOD District provided the development is planned to replace the parking lot with a sidewalk-fronting building once transit service becomes available.*